CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-432

APPLICANT: California Department of Transportation

AGENTS: Stephanie Reeder; Aziz Elattar; Ron Kosinski

PROJECT LOCATION: Route 90 from Coastal Zone boundary to halfway between Culver Boulevard and Mindanao Way, a point 1,934.7 feet west of the westerly edge of the proposed bridge over Culver Boulevard, Palms Mar Vista-del Rey District, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Construct a 58.6-foot wide, four lane, 436 foot long bridge over Culver Boulevard partially located within the coastal zone; extend Route 90 Freeway 1,020 feet west of the westerly edge of the proposed bridge; install one 38.4 foot wide, 1,020 foot long eastbound ramp and one 38.4 foot wide, 771-foot long westbound ramp in the 18.83 acre undeveloped median between Route 90's present east and westbound roadways in order to connect the bridge to existing roadways that now extend between Culver Boulevard and Mindanao Way (Modified East Alternative). The bridge and its ramps would bridge over a small willow-mulefat dominated area, avoid all fill and shading of the Marina Drain and minimize disturbance of other vegetated areas. As part of the project, the applicant proposes to enhance the biological quality of the Marina Drain, the 1.81-acre freshwater wetland found in the uncovered drain that exists on the site, to enhance other areas of the site, to remove invasive introduced plants from the site, and to use native vegetation in planting the engineered slopes that will support the new ramps. The applicant also proposes a system of pretreatment swales that will enhance the quality of water discharged from the 2.3 acres of new pavement and from 4.8 acres of existing paved areas. The application includes a request for after-the-fact authorization for demolition of a retail pottery store and RV/boat storage facility.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the revised project (the Modified East Alternative) with conditions. **The resolution is found on page 7.** During its initial project review, the applicant investigated conceptual plans for four alternative alignments of the ramps (the initially preferred alternative, termed “Original” in the chart below, and the “Bridge“, “East“, and “West“ alternatives.) The applicant submitted the Original alternative, which provided the most direct route across the median, as its proposal. When the Original alternative

proved to result in wetland fill, the applicant decided to pursue the Bridge Alternative, an alternative that would not result in wetland fill, although it would result in profound shade in an open water area. At the February, 2002 hearing on the Bridge Alternative, the applicant indicated that it could modify its second alternative, the East Alternative, to correct some safety problems so that it could provide an alternative that did not shade wetlands. This "Modified East Alternative " would result in no fill or shading of the Marina Drain, which contains the open water wetlands on the site. However, investigations conducted in April 2002 revealed that this alternative would shade a small 0.04-acre patch of willows. In addition, the fill supporting the ramps would divide the strip into three discrete sections, and would also separate the wetlands on the site from Area C Playa Vista by the fill for its ramps.

In April 2002, in preparation for the April Coastal Commission hearing on the "Modified East Alternative," the applicant surveyed a 5.6-acre former boat storage yard on the eastern end of the project site that were formerly covered with asphalt. (4.93 acres of the boat yard are within the Coastal Zone.) In the 16 months after the tenant had vacated the site and removed the pavement, a small patch of willows and mule fat had emerged (about 1700 sq. ft.) that was unquestionably a wetland. Opportunistic annuals, among them wetland obligate and facultative wetland plants including rabbitsfoot (*Polypogon)*, sand spurrey (*Spergularia)*, sweet clover (*Melilotus)* and bristly ox-tongue (*Picris*) had sprung up on significant areas of the site. Other plants such as pampas grass had also appeared. The applicant requested an onsite analysis from Dr. John Dixon, Senior Staff Biologist. The applicant's consultants, assert that the boat yard site is generally too dry to be a wetland but they identified the Arroyo Willow-Mulefat Association at the east end of the site as a wetland under the Coastal Act. Pending Dr. Dixon's analysis, the applicant was prepared to return to the Bridge Alternative, an alternative that eliminates the wetland fill on the Marina Drain and limits the fill in the *Spergularia* and to some extent, in the *Picris*, *Melilotu*s, and *Polypogon* (all wetland indicator vegetation), although it would result in some shading.

On May 13, 2002, at the applicant's request, Dr. John Dixon visited the site with the applicant's consultants. In his subsequent report, Exhibit 5, he agreed that the willow-mulefat area identified by the consultants is a wetland, but indicated it is larger than originally reported. He also agreed that on the site there are plants that are designated "Obligate" and "Facultative Wetland" in the U.S. Fish and Wildlife Service list of plants that occur in wetlands, but concluded that those plants were not functioning as wetland plants. As a result, the area was not currently functioning as a wetland. Furthermore, there was likely to be a change in the species composition of the vegetative community on the site, given natural succession common to newly disturbed areas. He also noted that the wetland obligate plants were located on the high, apparently drier, part of the site, and the lower, apparently wetter, parts of the site were dominated by ruderal species listed as "Facultative". He concluded that, except for the area of the Arroyo Willow-Mulefat Association, the site is not a functioning wetland at this time, although he thinks it is probable that some additional areas would develop wetland characteristics under normal climatological conditions.

The staff cannot base a regulatory decision on inconclusive information concerning the wetland status of an area that is clearly not presently functioning as a wetland. Therefore, the staff will treat only the willow-mulefat area and the open water areas of the site as wetland. Therefore, staff is recommending approval of this Modified East Alternative because it does not involve wetland fill; it will not shade the open water areas of the site, and it will impact the willow mulefat areas by shading only.

At prior hearings on this project, opponents provided a design of the intersection that would consolidate the new ramps on the northern edge of the median, allowing the wetlands on the site to eventually link with Area C Playa Vista. The applicant has investigated the alternative provided by the opponents (the North Alternative.) The applicant states that the North Alternative has a major disadvantage: it results in fill of 0.60 acres of open water wetland, and shading of 0.01 acres of the patch of willows (Exhibit 1, page 3 and Exhibits 8, 9 and 10). The opponents contend, however, the North Alternative would be the environmentally superior alternative because it would (1) result in the least discontinuous on-site wetlands and (2) on the westernmost third of its length it would connect with Playa Vista Area C, which is also being considered for retention by the State for habitat and wetland restoration and for improvement as a public park. In order to approve this North Alternative, the Commission would be required to address the inconsistency of the North Alternative with Section 30233 of the Coastal Act. Moreover the idea that clustering the travel lanes on the northern side of the Route 90 right-of-way would result in a continuous area of state-owned land in Area C is incorrect. The Route 90 right-of-way is separated from the Area C lands held by the Controller of the State of California by a 90-foot wide strip of former Railroad Right-of-way. Two private parties, one of which is Playa Capital, own this right of way. (See Exhibit 1, pages 1-3 for exhibits showing the Modified East Alternative and the North Alternative.)

The applicant has provided an analysis of alternatives and asserts that there are no feasible alternatives that would be less environmentally damaging than the project as now proposed. The applicant further points out that the project does not result in fill or shading of the Marina Drain, the open water wetlands on the site, and contends that the presence of sand spurrey is not indicative of the presence of a wetland. Caltrans has prepared the following table to compare the alternatives that they investigated (see next page):

ROUTE 90 ALTERNATIVES ANALYSIS
WETLAND AREA IMPACTS (Acres)
(INITIAL ESTIMATE - MAY 17, 2002)

	Modified East*		Bridge-Over-Wetland*		West*		North*		Original Design	
Alternative	Fill	Shading	Fill	Shading	Fill	Shading	Fill	Shading	Fill	Shading
Original Delineated Wetlands				0.10		0.15	0.60		0.17	
Boat Storage Yard Wetlands		0.04		0.04		0.04			0.04	
Wetland Subtotal		0.04		0.14		0.19	0.60		0.21	
Boat Storage Yard Vegetation	0.03	0.57	0.08	0.81	0.08	0.75	0.08	1.11	1.14	0.11
Total	0.03	0.65	0.08	1.09	0.08	1.13	1.1	1.11	1.56	0.11

* Assumes that the Alternative "Bridges Over" the wetland and vegetation areas instead of fill whenever possible.

Source: Caltrans staff

As proposed, the project includes a plan to improve water quality. The applicant has provided a water quality enhancement program that will pretreat all drainage from the 2.3 acres of new pavement and the 4.8 acres of the existing roadways before it enters the wetland. The applicant has also proposed to enhance the biological quality of the Marina Drain, and other areas of the former boat yard, to remove invasive vegetation that exists on the site and to use vegetation that is native to the areas in planting fill slopes and elsewhere in the project area. In addition, the applicant has provided a lighting plan that will minimize overspill of light onto habitat areas. The applicant proposes to install lighting at intersections only.

Finally staff notes that the level of service at this intersection is currently Level F during evening rush hour (stop and go). According to the applicant, this level of congestion can increase accidents. The applicant has already installed improved signals and re-striped a turn lane to improve this intersection, and feels that a partially grade-separated intersection is the next step to improving the capacity of the intersection. This intersection is a link in a major commuter route from the South Bay to down town business areas. The project is necessary to improve existing travel on the road and to improve access to the coast, but it is also necessary to maintain existing access when the first phase of the Playa Vista development is complete. This first phase of Playa Vista is located outside the

Coastal Zone, and the Commission does not have the power to reduce the level of traffic that it generates. This project is intended to reduce the impacts of this traffic (See Traffic Analysis Section B, page 21 *ff*).

Staff is recommending approval with conditions requiring that the applicant carry out and expand its habitat enhancement and water quality proposals, control siltation during construction and protect of water quality after construction, control project lighting, and provide biological and archaeological monitors during construction. The Marina Drain in the median discharges directly into the portion of the Marina Drain that is located on Area C Playa Vista, which is directly southwest of the project. The enhancement of 18.8 acres and removal of invasive plants directly upstream from Area C Playa Vista will have a beneficial effect on restoration efforts in Area C, if any take place, and on other areas down stream of this site.

The applicant has provided a feasible alternative that would be the least environmentally damaging of all feasible alternatives that were considered, and has also proposed mitigation measures that protect and restore the biological productivity of the sensitive resources that have been identified on site. **The motion to carry out the staff recommendation is found on Page 7.**

APPROVALS RECEIVED:

1. Categorical Exclusion CEQA, Caltrans
2. Department of Fish and Game 1601 permit (Streambed alteration agreement Notification Number 5-265-00, 6/27/01)
3. City of Los Angeles Department of Public Works
4. California Regional Water Quality Control Board, Los Angeles Region, Conditional Certification for proposed State Route 90/Culver Boulevard Fly-over project (Corps Project 2000-06124-PJF), unnamed tributary to Ballona Creek, Marina del Rey, Los Angeles County (File No. 00-133) (401 Conditional Certification)

STAFF NOTE ON JURSDICTION.

A. COASTAL ZONE BOUNDARY. The project is located on state-owned land located in the City of Los Angeles. Not all of the project is located in the Coastal Zone. The Coastal Zone boundary follows a projection of the northeastern side of the Alla Road right-of-way, connecting to the Pacific Electric Railroad right-of-way, then running east along the northerly edge of the right-of-way and from there to the southerly edge of the Ballona Creek Channel (Exhibit 1). The northerly half of the Culver Boulevard/Route 90 intersection is outside the Coastal Zone, but the eastbound Route 90 roadway and the southerly half of the intersection and most of the Route 90 median area west of Culver Boulevard are located inside the Coastal Zone. About half of the proposed bridge and a sliver of the presently undeveloped median are not in the Commission's jurisdiction, however most of the median strip west of Culver Boulevard is located in the Commission's jurisdiction, as are the westerly ramps and the wetland enhancement. Exhibit 1 shows a

depiction of the location of the Coastal Zone in this area. The proposed development that is located within the Coastal Zone requires a coastal development permit.

B. LOCALLY ISSUED PERMITS UNDER 30600(b). The City of Los Angeles has assumed the responsibility of issuing coastal development permits within its boundaries as permitted in Section 30600(b) of the Coastal Act, which allows local governments to review and issue coastal development permits prior to certification of a Local Coastal Program (LCP). Section 30600(b), however, provides that local governments do not have jurisdiction to issue coastal development permits under this program to public agencies over which they do not normally have permitting authority, such as schools and state agencies. Therefore, unlike many other projects that the Commission has reviewed in the City, this project has not received a coastal development permit from the City of Los Angeles.

Section 30600 states in part:

> **Section 30600**
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> (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.
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> (b) (1) Prior to certification of its local coastal program, a local government may, with respect to any development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620, and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.
>
> (2) **A coastal development permit from a local government shall not be required** by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, **or for any development by a public agency for which a local government permit is not otherwise required**. (Emphasis added)

The City of Los Angeles does not have permit jurisdiction over development carried out by the State Department of Transportation elsewhere in the City of Los Angeles. Therefore, the Department of Transportation has applied directly to the Commission for this coastal development permit for the development that is proposed inside the Coastal Zone.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions

MOTION: ***I move that the Commission approve Coastal Development Permit No. 5-01-432 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS.

The permit is approved subject to the following special conditions:

1. FINAL PLANS FOR PROPOSED MODIFIED EAST ALTERNATIVE.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director final engineering drawings for the Modified East Alternative generally shown in Exhibit 1. Plans shall include the locations of the wetlands areas identified in Exhibits 1, 3 and 4 and shall demonstrate that the bridge pilings, earth berms supporting ramps and all development will avoid all fill of wetlands described in Exhibit 1 (defined as the Marina Drain and Existing Wetlands on Exhibit 1). Earth berms supporting ramps shall be set back no less than 25 feet from wetlands. The development shall be carried out consistent with the construction staging and disturbance plan required in Special Condition 2 below.

2. CONSTRUCTION STAGING AND DISTURBANCE PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide, for the review and approval of the Executive Director, a construction disturbance and staging plan that shows all areas in which stockpiling, equipment access, storage, and haul routes can not take place. The plan shall indicate that construction staging area(s) shall not encroach on wetlands areas and shall be set back no less than 25 feet from all wetlands. Wetlands for purposes of this approval are those designated by the United States Army Corps on Engineers, and those State wetlands identified by the Department of Fish and Game, and those areas identified as “Existing Wetlands” on Exhibit 1 (The Marina Drain and the Arroyo Willow -Mulefat dominated area), identified in the applicants “Addendum to jurisdiction evaluation of vacated vehicle storage yard site” as modified subsequent to the staff site visit (See Substantive File Documents.)

(1) The plan shall include/require:

(a) Visible hazard fences shall be placed to designate areas where grading shall occur to place the berms supporting the ramps shown on Exhibit 1, and to designate the approved haul routes. Such fences shall be located no less than 25 feet outside the wetland areas noted in Exhibits 3, 4, 5a, above, and around vegetated areas not needed for approved grading. Prior to construction, the applicant shall place sandbags

and/or plastic on the outside of the fences to avoid siltation into the wetland and vegetated areas.

(b) A site plan that depicts:

i. The boundaries of the areas in which staging, stockpiling and hauling shall not take place due to the existence of wetlands or established native shrubs;

ii. Location of construction fencing and temporary job trailers;

iii. Wetlands on the site.

(c) A temporary runoff control plan consistent with Condition 3, below.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. WETLAND AND HABITAT ENHANCEMENT PLAN.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide, for the review and approval of the Executive Director, a detailed Wetland and Habitat Enhancement Plan for the entire area of the median strip. The plan shall identify the following areas: (a) wetlands; (b) areas vegetated with native upland vegetation, (c) manufactured slopes; (d) drainage swales and (e) temporary erosion control plantings. The design shall take into account the placement of swales and other structures provided for water quality treatment as depicted in the applicants' water quality enhancement plan and required in condition 3. The Wetland and Habitat Enhancement Plan, as developed in the steps and according to the criteria outlined below, shall reflect the current mixture of native plants, shall leave existing native plants in place, use plant species commonly found in Ballona Wetland and nearby upland habitats, and/or use cuttings and seed stock from native plants found in the Ballona area.

(1) **Initial assessment.** The applicant shall submit for the review and approval of the Executive Director, a brief initial assessment describing the soil type and vegetation now found in the median strip and in the waterways, a general list of the measures that will be necessary to enhance the site, and a description of the vegetation that is likely to exist on the site after completion of the construction of the road. The assessment shall include:

(a) An evaluation of measures necessary to remove invasive plants and a schedule of removal,

(b) A detailed final grading plans and a description of the effects of such earth movement on the vegetation and hydrology of the site;

(c) A description of the effect on soils of the proposed grading;

(d) A list/description of measures to assure the soils in the manufactured slopes will be appropriate for planting,

(e) The amount and duration of irrigation necessary to establish the project;
(f) The measures that might be necessary to control invasive plants at the beginning of the project and after its completion, and
(g) Measures necessary to prevent siltation and erosion from the site while plants are establishing.

(2) **Habitat Goals**. Prior to preparing the Wetland and Habitat Enhancement Plan, the applicant shall provide a statement of habitat goals prepared by a biologist or licensed landscape architect experienced in wetland restoration for the review and written approval of the Executive Director. The general goal of the plan shall be to provide support habitat for native birds, water dwelling animals and insects found in the area presently or in the past. The goals shall establish a minimum coverage of each type of plant community, including preservation of all currently present wetlands that now occur on the median strip. Plans and notes shall also indicate the goals underlying the choices of any other plants shown for manufactured slope landscaping and indicate the habitat function of the proposed vegetation--the animals and other plants expected to benefit from the presence of the vegetation.

(3) **Conceptual plan**. Based on the habitat goals approved by the Executive Director, the applicant shall submit for the review and approval of the Executive Director a conceptual Wetland and Habitat Enhancement Plan and a schedule of installation of plants consistent with these goals and plan specifications. Based on the applicant's initial plans, the Wetland and Habitat Enhancement Plan shall be consistent with the following basic habitat goals:

(a) Wetlands. Plans for restoration/enhancement of the wetland areas on the site, identified in Exhibits 3, 4 and 5a. These areas shall be enhanced and preserved as freshwater wetlands. The design shall address hydrology, residence time of water, seasonal fluctuations or water levels and the accommodation of storm water.

(b) Upland areas. The existing saltbush scrub and coastal sage scrub found in the upland areas shall be protected as much as feasible, and, if disturbed during construction, replaced with a mixture of native coastal prairie, saltbush scrub and coastal sage scrub plants common to the Ballona wetlands area that tolerate intermittent irrigation. Invasive species shall be removed. The plants shall be consistent with Caltrans standards for line-of-sight impacts and fire resistance.

(c) Manufactured slopes. The manufactured slopes shall be planted with low-lying individuals of the coastal sage scrub and saltbush scrub community that are fire resistant.

(d) Swales and temporary erosion control. The applicant shall specify the species and seed sources of vegetation used for temporary erosion controls and for water quality enhancement devices that employ vegetation, such as vegetated swales. Plants used for these purposes shall be natives common to the Ballona area, and in no instance shall be invasive plants as defined in subsection 6 below.

(4) **Detailed Plans.** After the Executive Director's approval of the conceptual Wetland and Habitat Enhancement Plan, the applicant shall provide for the review and approval of the Executive Director detailed plans and notes that show the location of plants, sizes of container plants, density of seeds, if seeds are used, expected sources of seeds and container plants, a schedule of installation and a statement describing the methods necessary to prepare the site and install and maintain the enhanced and planted areas, and the kinds and frequency of maintenance expected to be necessary in the long term. If sources of cuttings or seeds outside the immediate area are used, the applicant shall describe the locations of the sources, the amount used, and the reasons for their use. The Executive Director shall approve use of such sources. The detailed plans shall be consistent with the Habitat Goals and with the approved Conceptual Plans.

(5) **Monitoring.** Based on the information in the Wetland and Habitat Enhancement Plan and in the initial assessment, the applicant shall prepare a monitoring schedule, providing (a) a plan for removal of invasive and non-native plants identified in the initial assessment, (b) an initial report upon completion of initial planting to verify that the plants have been installed according to the approved plan, (c) no fewer than two additional reports in the first year after completion of the initial report, and (d) no fewer than one report in each subsequent year for no less than 5 years. The reports shall contain a brief description of the condition of the plants; the degree of coverage and the survival rate of various plants; either photographs, maps or illustrations and recommendations concerning activities necessary to achieve the stated "Habitat Goals" discussed in Section 2 above; and if the planting is not consistent with the goals, suggested measures to remedy the situation. The applicant shall, at the appropriate season, replant to remedy any deficiencies noted in the monitoring reports, and remove any invasive or non-native plants that have established on the site. After the initial five years, the area shall be maintained as required in this coastal development permit according to the normal Caltrans maintenance schedule, but in no event less often than once a year.

(6) **Definition of invasive plants**. No non-native or invasive species shall be employed or allowed to naturalize or persist on the site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains,* January 20, 1992;

those species listed by the California Exotic Pest Plant Council on any of their watch lists as published in 1999; and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service, such as the Ocean Trails list of invasive plants (attached).

(7) **Maintenance.** In addition to the elements noted above, the Wetland and Habitat Enhancement Plan shall include a manual for maintenance methods and a plan for training maintenance employees (and contractors) in the needs of the plants on the plant palette and on the identification of native and invasive plants. Pursuant to this the plan shall include:

(a) A list of chemicals the applicant proposes to employ and methods for their application. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides – if used – shall be applied by hand application or by other methods that will prevent leakage, percolation or aerial drift into adjacent restoration areas. Pursuant to this requirement the maintenance plan shall include:

i. An Integrated Pest Management Program (IPM) shall be designed and implemented for all of the proposed landscaping/planting on the project site. Because the project is located within the immediate watershed of Ballona wetland, alternatives to pesticides including, but not limited to, the following shall be employed as necessary:

- Bacteria, viruses and insect parasites shall be considered and employed where feasible.
- Weeding, hoeing and trapping manually.
- Use of non-toxic, biodegradable, alternative pest control products.

(b) Where pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the list of pesticides and their application methods shall be included in the plans. In using pesticides, the following shall apply:

i. All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.

ii. Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (the Marina del Rey, Ballona wetlands, Ballona Creek and Ballona Creek Estuary) on the California Water Resources Control Board's 1998 Clean Water Act Section 303 (d) list, or those appearing on the 2002 list shall not be employed. In addition to those products on the Section 303(d) list, products that

shall not be employed include but are not limited to those containing the following constituents:

- Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene.
- DDT.

B. **Compliance**. The permittee and any contractors shall undertake development and maintenance of the site (including monitoring, maintenance, and training) in accordance with the final approved plan and with this condition. Any proposed changes to the approved final plans or maintenance methods shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. CONSTRUCTION-RELATED EROSION AND SEDIMENT CONTROL PLAN.

A. **PRIOR TO ISSUANCE OF THE PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, an Erosion and Sediment Control Plan outlining appropriate Best Management Practices to limit erosion and sedimentation during construction, such that no sediment escapes into the wetlands identified in Special Conditions 1 and 2, or runs off this development site. Before disturbance, all loose asphalt and other debris shall be removed from the site and disposed of in a facility designated for such waste located outside the coastal zone. Applicant shall install all appropriate erosion and sediment control Best Management Practices (BMPs) to minimize, to the maximum extent practicable, the erosion and sediment runoff from this development site. Due to the sensitive location of the project, the plan must meet the following criteria:

(1) The plan shall be consistent with the construction disturbance and staging plan required in Special Condition 2 and the wetland and habitat enhancement plan found in Special Condition 3
(2) Construction shall occur in stages that limit the length of time that the soils are uncovered at any one time.
(3) The plan shall minimize, to the maximum extent practicable, grading during the rainy season (October 15 through April 1).
(4) BMPs shall include, but are not limited to, drainage inlet protection, temporary drains and swales, gravel or sandbag barriers, fiber rolls, and silt fencing as appropriate. Applicant must also stabilize any stockpiled fill or cut or fill slopes with geotextiles or mats and close and stabilize open trenches as soon as possible. These erosion control measures shall be installed on the project site prior to or concurrent with the initial grading operations and maintained throughout construction to minimize erosion and sediment runoff waters during construction.

(5) The plan shall also include temporary erosion control measures to be implemented immediately if grading or site preparation should cease and such cessation is likely to extend for a period of more than 30 days. If such cessation occurs, the applicant shall install such stabilization measures immediately upon cessation of grading, but in no event more than 30 days after grading stops. Temporary measures shall include, but are not limited to, stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag and gravel bag barriers, silt fencing; temporary drains and swales; and sediment basins. BMPs shall not include any erosion or sediment control BMPs that might introduce the threat of invasive or non-native species to the wetlands. Given the sensitivity of adjacent habitat, sediment basins are not sufficient to capture sediment. They must be accompanied by more stringent means of controlling sediment in close proximity to marshes and wetlands as identified.

(6) No sediment shall be discharged into the wetlands identified in Exhibits 3, 4, 5 and 5a (the Marina Drain; or the Willow –Mulefat area noted above in Special Conditions 1 and 2

(7) Trucks and equipment shall not be allowed to track mud or other materials onto roads per methods outlined in Caltrans BMP CD29A (2), Caltrans Storm Water Quality Handbook, or an equivalent measure required by Los Angeles City Department of Public Works.

(8) The applicant shall test soils for toxicity during excavation according to Department of Toxic Substances Control rules and Regional Water Quality Control Board rules, whichever agency determines it has jurisdiction.

(a) If contaminated soils or associated materials are identified, other than non-water soluble aerially deposited lead, the toxic material shall be removed and transported to an appropriate disposal site approved for contaminants that may be discovered in the material. The site shall be an approved disposal site located outside the coastal zone.

(9) Contaminated soils or associated material excavated shall be stockpiled only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

(10) Aerially deposited lead-contaminated soils or associated material discovered during the excavation of the site shall be handled according to DTSC rules. If the lead is water-soluble, it shall be hauled offsite as indicated in Subsection A6 above. If it is not water-soluble, it may be properly capped and used under the improved roadway, if consistent with DTSC approvals.

(11) Airborne particulates shall be controlled consistent with the rules of the Air Quality Management District.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. CONSTRUCTION AND POST-CONSTRUCTION WATER QUALITY MANAGEMENT PLAN.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide for the review and written approval of the Executive Director a Water Quality Management Plan (WQMP). This plan shall include a list of best management practices to minimize to the maximum extent practicable the amount of polluted runoff that is discharged into Marina del Rey, the Ballona Wetland, or any other waterway.

A. Maintain, to the maximum extent practicable, post-development peak runoff rates at levels that are similar to pre-development levels through the use of the eight (8) proposed bioswales and energy dissipaters; AND post-development mass pollutant loading and concentration of pollutants shall be significantly reduced from pre-development levels, as proposed. Pursuant to this requirement, the plan shall include:

1. Construction BMPs
   (a) All trash and debris shall be disposed in the proper recycling or trash receptacles at the end of each day.
   (b) All stock piles and construction material shall be covered and enclosed on all sides, and in addition, as far away as possible from the identified wetlands, drain inlets, or any other waterway, and shall not be stored in contact with the soil.
   (c) Vehicles shall be refueled offsite or in a designated fueling area with a proper suite of BMPs outlined and submitted in the water quality management plan.
   (d) Asphalt demolished from the site shall be removed within 48 hours during the rainy season.
   (e) Vehicles shall not track mud or debris onto roads.
   (f) Staging areas shall include impermeable berms to catch fuel spills.
   (g) Paving machines shall be parked over drip pans or absorbent materials.
   (h) Spills of all solid and liquid materials shall be immediately cleaned up. Contaminated soils and clean-up materials shall be disposed of according to the requirements of this permit and the RWQCB. Dry spills should be swept, not washed or hosed. Wet spills on impermeable surfaces shall be absorbed, and absorbent materials properly disposed. Wet spills on soil shall be dug up and all exposed soils properly disposed.
   (i) The applicant shall not apply concrete, asphalt, and seal coat during rainstorms to prevent contaminants from coming into contact with stormwater runoff.

(j) All storm drain inlets and manholes shall be covered when paving or applying seal coat, tack seal, slurry seal, fog seal, or similar materials.

(k) Any imported fill must be tested for contaminants in advance of importation to the site. No contaminated material from off site may be used on the site.

2. Post Construction BMPs

(a) As proposed in the "Post Construction Stormwater Quality Management Plan: Route 90 Improvements, Modified East Alternative" prepared on 11 March 2002, the applicant shall meet the following requirements:

(b) Install an appropriate suite of source control and structural treatment control BMP's to achieve the above-stated goals. Structural treatment control BMP's shall be designed to treat, infiltrate, or filter the amount of stormwater runoff generated by any storm event up to, and including the 85th percentile, 24-hour storm event for volume-based BMP's, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMP's.

(c) The WQMP shall indicate how it shall minimize to the maximum extent practicable or eliminate the contribution of 303(d)-listed pollutants (for Ballona Wetlands, Ballona Creek, and Ballona Creek Estuary) from this project.

(d) Install trash screens and energy dissipaters at the outlets of all discharge points.

(e) Monitor and maintain all structural and non-structural BMPs prior to the onset of the rainy season and monthly during the rainy season (October 15 through April 1) for the first year after construction is complete. One year after construction is complete, the applicant shall submit, for review and written approval by the Executive Director, a revised monitoring and maintenance schedule proposing, as appropriate, changes to the BMP monitoring and maintenance plan.

(f) Regularly patrol and clean up the area for discarded containers, trash and other materials likely to blow into or otherwise impact the wetlands and waterways.

B. The permittee shall undertake development in accordance with the approved final plans and with this condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required

6. BIOLOGICAL MONITOR.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** and again before any vegetation is disturbed; a biologist with experience in plant and animal identification whose qualifications have been reviewed and approved by the Executive Director shall survey the site and prepare a Biological Monitor's Report to the Executive Director concerning the presence of any nesting birds. If a nesting bird is found within or immediately adjacent to the footprints of the excavation or of the staging areas, work including grading or clearance of vegetation shall not proceed until the qualified biologist certifies that the chicks have fledged and that the work shall not disturb the birds.

B. The permittee shall undertake development in accordance with this condition and with any biological mitigation measures approved by the Executive Director or the Commission. Any proposed changes to the approved biological monitoring procedures or measures shall be reported to the Executive Director. No changes to the approved biological monitoring procedures or mitigation measures shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. PROJECT LIGHTING.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall provide lighting plans for the review and written approval of the Executive Director. A copy of all federal and state standards for lighting that may apply shall accompany the plans, along with an explanation identifying which standards are mandatory. Unless the mandatory standards applicable to this road require more lighting, the lighting plans shall provide:
   (1) Illumination shall be at the lowest levels allowed in mandatory federal and state standards for secondary highways and or intersections.
   (2) Where lights are employed, sodium vapor street lamps (HSE) shall be used.
   (3) All lights shall be directed so that, as much as possible, spillover outside the right-of-way shall not occur.
   (4) Any plan that shows lighting outside of intersections shall be accompanied by a written explanation describing why such lighting is required.
   (5) The applicant shall employ flat-faced lighting, shielding, solid or vegetative barriers and other measures to confine lighting within the roadway.
   (6) No night work or night construction lighting shall be permitted.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur

without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. ARCHAEOLOGICAL RECOVERY

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence for the review and written approval of the Executive Director that the State Historic Preservation Officer has determined that no further investigation of the sites in the vicinity of the approved bridge project is required. The "vicinity" means within 100 yards. Pursuant to this, prior to issuance of the permit, Caltrans shall provide evidence for the review and approval of the Executive director that a qualified archaeologist has evaluated the project in light of current confidential reports, and that Caltrans has obtained concurrence of the State Historic Preservation Officer with such evaluation. An archaeological monitor qualified by SHPO standards and a Native American Monitor appointed consistent with the standards of the Native American Heritage Commission shall be present on the site during all project grading. If cultural deposits or grave goods (as defined by SHPO) are uncovered during construction, work must stop until the archaeological monitor and the Native American Monitor can evaluate the site and, if necessary, develop a treatment plan approved by SHPO and the Executive Director. Upon review of the treatment plan, the Executive Director shall determine whether an amendment is required. If human remains are found, the Commission requires that the applicant carry out identification and recovery or reburial consistent with State Law.

B. The permittee shall undertake development in the coastal zone in accordance with the adopted treatment plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION.

The applicant proposes to construct a four-lane bridge on Route 90 (the Marina Expressway) over Culver Boulevard, and to extend freeway lanes to approximately halfway between Culver Boulevard and Mindanao Way. In this part of its length, Route 90 connects the 405 Freeway to Lincoln Boulevard. Route 90 is a State Highway that extends from Lincoln Boulevard across the 405. Caltrans representatives describe Route 90 as extending to the City of La Habra; a city located approximately 20 miles inland. Most of the route, such as Slauson Boulevard, the portion of the route that lies directly

east of the 405 Freeway, is not developed as a freeway (limited access route). From the 405 to Culver Boulevard, Route 90 is a freeway. Between Culver Boulevard to Lincoln Boulevard, Route 90 is not a freeway because there are signalized intersections at Culver Boulevard, Alla Road, Mindanao Way, and Lincoln Boulevard.

Within the Coastal Zone portion of the project site, Route 90 is developed with two westbound lanes and two eastbound lanes separated by a (approximately) 330-foot wide, 2,950-foot long median. 9.74 acres of the 18.83 acre median between Culver Boulevard and Mindanao Way were previously occupied by several businesses, all but one of which have been demolished. In the larger area (approximately 38 acres) between the south bank of Ballona Creek and Lincoln Boulevard, 10.05 acres are developed with streets. Most of the 18.83 acres of the median is not developed and is vegetated by a mixture of native plants (saltbush scrub community), invasive species such as pampas grass, and several drainage ditches that support freshwater marsh plants (Exhibits 3, 4, 5 and 5a). A survey conducted by Psomas Associates in 1995 identified a total of 1.81 acres of state wetlands and 0.99 acres of Corps jurisdictional wetlands within the median between Culver Boulevard and Mindanao Way. The identified wetlands included a drainage area, the Marina Drain, which supported open water and a number of freshwater plants (Exhibit 3.) In June 2001, the Department of Fish and Game issued a Streambed Alteration Agreement for an earlier version of the proposed project (Exhibit 6). In mid-September 2001, the Commission Senior Biologist field-checked the delineation of the wetlands and confirmed that it was accurate for the area identified.

The 1.81 acre wetland on the project site that Caltrans initially identified is located within and adjacent to a drainage ditch that connects with several municipal storm drains that drain the developed area to the north of the project and discharge into the Marina Drain at the southern edge of the right-of-way. These wetlands are linear, freshwater marshes that will continue to be fed by urban storm drains. The ditch runs the length of the median strip between Culver Boulevard and Mindanao Way, generally parallel to the roadway, but widening near its intake from a major drain to the north (the Marina Drain) and also at its discharge to the south to Area C Playa Vista (again at the Marina Drain) (Exhibit 2.) As noted above, the applicant originally proposed to enhance this area, as requested in its 1601 permit, in order to mitigate filling of 0.23 acres of wetlands. No fill of this drainage is now proposed. However, the applicant is still proposing the enhancement.

The willows are found in a swale that extends the length of the boat yard portion of the site. The swale begins about 100 feet from the east bound road way and extends west to a fence that separates the former boat yard from an undisturbed patch of *Atriplex* and willows that surround the Marina Drain. The willow patch is found near the easterly end of the swale. The sand spurrey, a wetland plant listed as “Obligate,” is found in a long patch that is about 50 feet south of the west bound frontage road, and that extends almost the entire length of the site (Exhibits 4 and 5). The facultative wetland plants are found in several patches on the east end of the site, east of the swale and also along the western portion of the swale. These facultative plants define an area that shows little evidence of wetlands hydrology but that is marked by wetlands facultative plants that are also plants that are found in disturbed upland areas.

The determination of the location and extent of wetland on the boat yard portion of the project site is difficult. All of the vegetation on the boat yard portion of the site is immature, having emerged within the last two years. Wetland indicator plants are found adjacent to upland plants such as coyote bush and adjacent to weeds such as pampas grass and acacia. The vegetative cover is sparse. The only wildlife observed on the site was a nesting killdeer, which commonly nests on open beaches, mourning doves, a grassland dweller, and pigeons, crows and hummingbirds—common back yard species identified in the initial survey.

In April 2002, the applicant revisited what was believed to be the upland portion of the site with two biological consultants. The consultants discovered that after the asphalt was removed from a boat storage yard, several willows and other wetland indicator plants began to emerge on the fenced, 4.93-acre boat yard site. The consultant prepared vegetation maps (Exhibit 4 and 5) that indicated that a small area (a little over 581 sq. ft.; 0.01 acres)[1] dominated by willows and mule fat in the shrub layer is a wetland, but that a larger area dominated by sand spurrey, a wetland obligate plant was not a wetland. The consultant also concluded that the portions of the swale and other areas dominated by *Picris* (bristly ox tongue), *Polypogon* (rabbits foot grass), Melilotus indica (Indian sweet clover), and *Conyza canadensis* (horseweed), which are also listed as wetland indicators, were not wetlands, basing their conclusion on the dryness of the site, and lack of wetland soil characteristics. See Section C, below page 19, wetlands.

The applicant has changed its project description from the project that it originally proposed. The purpose of the change is to avoid wetland fill. The applicant initially proposed, as requested in its 1601 permit (Exhibit 6), to fill 0.23 acres of wetlands and cause temporary impacts on 0.09 acres of wetlands, and to mitigate that fill by restoring additional wetlands within the median (original project). Shortly before the Commission's February 2002 hearing, Caltrans representatives changed its proposal to an alternative (The Bridge Alternative) that avoided wetland fill, but significantly shaded about a tenth of an acre of wetlands. At the hearing, Caltrans representatives indicated that it would be possible to avoid all fill and shading of wetlands. An alternative, the "East Alternative" that Caltrans staff had initially rejected for safety reasons could be slightly redesigned to reduce safety issues, and, as redesigned, could be constructed.

After the hearing, Caltrans engineers discovered a way to modify the East Alternative by modifying the bridge, so that the slope to the intersection would begin on the bridge itself. With this change, motorists would see the intersection early enough to be able to stop if necessary. The applicant presently proposes the Modified East Alternative. Caltrans asserts that The "East Alternative" avoids all wetland fill, does not shade the Marina Drain although it shades a small area (0.04 acres) of willows.

[1] At a site visit on May 23, 2002, the applicant and the staff agreed that the willow mulefat area should be considered about 1700 square feet, see Exhibit 7.

After the discovery of the willow-mulefat area, Caltrans substituted pilings for fill in order to support a part of the Modified East Alternative connection to the bridge. This allowed the ramp to bridge over the willow mulefat wetland areas. The bridge will be four meters over the willows, which should allow morning and afternoon sun to reach the willows. (See Exhibits 1 and 5) The ramps are, however, set back from the part of the site that is most likely to survive in the long term as a wetland or transitional area, a swale near the center of the former boat yard. As previously noted, this alternative will also shade 0.04 acres of the willow-mulefat wetland. (See Page 2, Executive Summary for chart.)

The present project is the first phase of a project that would ultimately link Route 90 Expressway directly with Admiralty Way in the Marina del Rey and complete the Expressway's development as a limited access, high-speed route between Lincoln Boulevard and Route 405. This phase of the project (the distance between Centinela Boulevard and Mindanao Way) is 7,910.476 feet or about a mile and a half in length. The length of the median from Culver Boulevard to Mindanao Way is approx. 2,950 feet (a little over half a mile), all but a corner of which is located within the Coastal Zone (Exhibit 1). In preparing for the project, but without first receiving a coastal development permit, the applicant removed certain structures and uses that have been allowed to operate within the median as interim uses of the right-of-way. These include a boat storage operation, and a pottery store. In preparation for this project, Caltrans also demolished an athletic facility located just outside the coastal zone. There are no conditions imposed on this project to restore or mitigate for the unpermitted development because the project would replace these uses (1) with the road and (2) with restored habitat and wetland.

Issues have been raised concerning whether, in considering this project, the Commission is considering the complete project, or whether this is only part of a larger project. Because of State and local budgetary constraints, Caltrans normally carries out road improvements, even those that may eventually connect with each other, in segments that are designed be built over a number of budgetary years. Caltrans requires that each road-widening project be able to function adequately on its own and that each project improve traffic flow by itself. The next "phase" of the project may occur within two or three years, or possibly never, but each phase of a project like this is designed to function and be useful independently, and indefinitely, with or without the completion of the next phase. There is a second improvement of Route 90, which would improve its intersection with Lincoln Boulevard that is under consideration. This extension to Lincoln is not yet approved or funded. Approval of this project does not commit the Commission to approve the other project and construction of this project does not commit Caltrans to build the revised intersection at Lincoln Boulevard.

B. PROJECT BACKGROUND.

The present project is the first phase of a project that would ultimately link Route 90 Expressway directly with Admiralty Way in the Marina del Rey and complete the Expressway's development as a limited access, high-speed route between Lincoln Boulevard and Route 405. This phase of the project (the distance between Centinela Boulevard and Mindanao Way) is 7,910.476 feet or about a mile and a half in length. The length of the median from Culver Boulevard to Mindanao Way is approx. 2,950 feet (a little over half a mile), all but a corner of which is located within the Coastal Zone (Exhibit 1). In preparing for the project, but without first receiving a coastal development permit, the applicant removed certain structures and uses that have been allowed to operate within the median as interim uses of the right-of-way. These include a boat storage operation, and a pottery store. In preparation for this project, Caltrans also demolished an athletic facility located just outside the coastal zone. There are no conditions imposed on this project to restore or mitigate for the unpermitted development because the project would replace these uses (1) with the road and (2) with restored habitat and wetland.

By bridging Route 90 over Culver Boulevard, this project would create a partially grade-separated intersection at Culver Boulevard and Route 90 (the Marina Freeway). The bridge would speed up traffic on Route 90 between Lincoln Boulevard and the 405 Freeway. Ramps provided in this and the "Culver Loop " project would make it possible to enter the freeway from northbound Culver Boulevard. The intersections of the frontage roads and Culver Boulevard would still be controlled by a traffic light.[2]

While the project has long appeared on subregional traffic improvement plans, including in the certified Marina del Rey LUP and in the certified Playa Vista LUP, it has most recently been required by the City of Los Angeles as a mitigation for the first phase of the Playa Vista project. Phase I is the portion of the Playa Vista project located outside the Coastal Zone. The Phase One Playa Vista project includes institutional, commercial (35,000 sq. ft.), office (1,250,000 sq. ft.) and residential (3,246 dwelling units) development and is expected to generate 44,500 daily trips, and approximately 5,360 peak hour daily trips. The project draft EIR estimates that slightly more than 12% of these trips would be internal to the project.

In the Phase I mitigation measures, the City of Los Angeles requires Playa Capital to "guarantee construction" of the bridge, arguing that significant traffic from Phase One will be routed up Route 90 to the 405 and that construction of the bridge would increase the capacity of Route 90. The City originally required only that the developer design the

[2] Caltrans representatives state that Playa Capital has obtained a Caltrans encroachment permit to " construct ramps to connect Culver Boulevard with the Route 90). However, this work is not part of this application. In November 2001, the Commission approved an application from Playa Vista to do this (see 5-00-382 and A-PLV-5-00-417).

bridge. The City then received comments on its certified EIR for Playa Vista Phase I[3] from transportation agencies, including Caltrans[4]. These agencies questioned the feasibility of increasing access to the 405 via Jefferson Boulevard, pointing out that it would require relocation of major columns in order to widen the existing ramps at Jefferson and the 405 freeways. After hearing from Caltrans that Jefferson Boulevard/405 freeway ramps could not accommodate the amount of traffic that the consultants originally assumed, the City required Playa Vista to "guarantee construction" of the bridge and construct ramps and widen Culver Boulevard to direct traffic to Route 90. The City required the following mitigation measure:

> **"Culver and Marina Freeway:** Guarantee construction of a 56-foot wide three lane westbound portion (or, as an interim measure, two lanes in each direction) of a grade-separated interchange at Culver Boulevard and the 90 freeway with a new freeway-lane striping easterly at a point beyond the Ballona Creek Channel Bridge, all to the satisfaction of Caltrans. Complete the eastbound portion of this interchange if funding is provided by other sources for this location. This would replace the Culver and Marina Freeway measure listed on Page V.L.1-94 of the Draft EIR." (See Exhibit 17, Playa Capital Phase I EIR mitigation measures as amended.)

Irrespective of the City Playa Vista Phase I mitigation measures, Caltrans representatives contend that the road is required to accommodate existing and future volumes of traffic on the West Side of Los Angeles, especially on Lincoln Boulevard. The West Side varies in definition, but can be loosely defined as the part of the City of Los Angeles that lies west of La Cienega, south of the Santa Monica Mountains, north of the Airport and that extends to the Pacific Ocean. In a letter provided to the Coastal Commission staff, Aziz Elatter, Senior Environmental Planner for Caltrans outlines the reason the bridge is needed.

> **"Purpose and need of the project.**
>
> The project is proposed to relieve traffic congestion and improve safety by extending the Route 90-freeway section across Culver Blvd. It is needed to address existing and forecasted congestion levels due to the increased development in the area. The project will also alleviate congestion-related accidents that are expected to increase as congestion increases, should this project not be developed.
>
> **Traffic.**
>
> Traffic volumes are projected to increase significantly along Route 90 due to on-going and planned development as well as regional growth to the extent that design year traffic demands are projected to substantially exceed capacity at a number of

[3] (See Haripal Vir, Senior Transportation Engineer, City of Los Angeles: "Playa Vista Project Phase I, Amendment to the Initial Traffic Assessment and Mitigation Letter dated September 16, 1992, EIR No.90-0200 (C) (CUB) (CUZ) (GPA) (SUB) (VAC) (ZC),"

[4] Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993

> intersections without improvements. Currently there are over 200 proposed developments in the general area of the Route 90 Corridor, which include Playa Vista (Phase I and II), the Marina del Rey Local Coastal Plan update and the LAX Master Plan. " (Aziz Elattar, Caltrans, Letter).

When questioned about the need for the project based on existing traffic, instead of traffic levels projected as a result of recently approved and proposed projects, Caltrans representatives responded with information that they consider illustrates present congestion levels, and thus, present need. This includes volume/capacity statistics concerning the present level of service (LOS) at the Route 90 and Culver intersection. In a letter to staff, Caltrans representatives state that in the morning peak hour, the present level of service is LOS D (Eastbound) and C (Westbound). In the evening peak hour, the level of service is LOS E (Eastbound) and LOS F (Westbound). Caltrans representatives explain that these levels of service indicate that presently, the intersection is over or near capacity. They indicate that operating at this level of congestion leads to accidents (Exhibits 17 and 18).

Caltrans' representatives contend that the bridge is necessary to maintain the existing "capacity" (flow rates) because traffic levels will increase without any specific future project. They point out that there are additional projects, many of them outside the Coastal Zone, that are expected to further increase demand. They also argue that the bridge is necessary to accommodate traffic from projects that have been approved and are vested that will add to the traffic levels at this and other intersections. Once these approved projects are occupied, they argue, the congestion at this bridge will rise from over and near capacity to extremely over and at capacity (Exhibits 13 and 14). Ronald Kosinski, Deputy District Director for Environmental Planning for Caltrans Region 7, indicates that no one project is behind the demand for this project:

> "Caltrans has no specific master plan for this or any freeway/expressway. Caltrans' process indicates that as needs are identified; they are forwarded to the California Transportation Commission (CTC) for prioritization and funding. Because of the need generated by work and recreational congestion, this project has been funded as a highly needed project by the CTC. In addition, Caltrans is not in the real estate business, and is legally mandated by law to dispose of unnecessary real estate. This area was designated as needed for this project since it was built in 1972." (Ronald Kosinski, Deputy District Director Division of Environmental Planning, Letter, Sept 19, 2001, Exhibit 14)

Mr. Kosinski continues that given the present congestion of this intersection and the 2% per year annual ambient growth identified by the Southern California Association of Governments, this project is needed. He acknowledges that a number of projects, including Playa Vista and the Airport expansion, will exacerbate the need for the project. However, he maintains, the project is needed because traffic has been increasing due to projects that have been already approved and constructed both inside and outside of the Coastal Zone. Levels of traffic, Caltrans' representative points out, have been rising by about 2 percent per year on the West Side of Los Angeles for no reason that may be

attached to any particular project but which represents general increases in destinations in the area and general population increases in greater Los Angeles. Caltrans representatives state that Playa Vista needs the road, but Playa Vista' traffic is not the only reason that the road is needed.

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The project before the Commission is substantially identical to the project required by the City in its tract conditions for Playa Vista Phase I. Caltrans representatives indicate that the bridge cost is shared between the City and Caltrans: the City of Los Angeles is paying for the engineering and design work, and Caltrans will pay for the bridge construction. The mitigation measures proposed in the draft EIR require Playa Vista to pay for the bridge design, but not its construction, but the adopted mitigation measures require Playa Capital to "guarantee construction" of the entire bridge.

Information about traffic demands in related traffic reports. The draft Phase One Playa Vista EIR (1991) and the 1995 Entertainment District Amendment to the Phase One Playa Vista EIR that was completed in 1995 each include an analysis of area traffic. The 1991 EIR Appendix O was based on an update of an analysis prepared in 1983 for Los Angeles County by Barton Aschman Associates, a traffic-engineering firm. Kaku Associates further updated the study in 1995, when Playa Capital was considering rehabilitating the old Hughes Aircraft Plant as an Entertainment Media and Technology Center. Kaku estimates that traffic in the area of the project have been increasing at about 4 percent a year. Kaku attributes 1.5 percent of the increase to "ambient growth" and the remainder to identified major projects. In the 1995 amendment to the Phase One Playa Vista EIR (Entertainment and Media District) Kaku acknowledges that some major projects discussed in the 1991 Draft EIR were never constructed; and, at the time of the 1995 amendment to Playa Vista's City permit, some new projects were under discussion. Kaku figures indicate that at peak hours the level of service in 1990 was LOS E and D except for the evening westbound and the morning eastbound, when it exceeded capacity --level F. Consistent with the remarks from Caltrans staff, the consultant indicated that traffic levels were expected to increase without the Playa Vista project.

1997 Intersection Operating Conditions (source: First Phase Playa Vista Draft EIR)							
		Existing 1990		1997 without First Phase Playa Vista		1997 with First Phase Playa Vista	
Intersection	Period	V/C	LOS	V/C	LOS	V/C	LOS
Culver/Marina Freeway East bound ramps	AM	1.323	**F**	1.679	**F**	1.719	**F**
	PM	0.943	**E**	1.265	**F**	1.281	**F**
Culver/Marina Freeway West bound ramps	AM	0.834	**D**	1.115	**F**	1.128	**F**
	PM	1.036	**F**	1.474	**F**	1.527	**F**[5]

The 1995 Amendment to the Phase I EIR for Playa Vista, required for the development of an Entertainment and Media Center in Area D, analyzes the then current levels of service and the level of service anticipated without the Phase I Playa Vista project (ambient levels of growth) (Exhibits 17 and 18). This document anticipates that Phase One Playa Vista, will generate almost twice as much traffic as all the other projects in the area combined and after development of Phase I Playa Vista, the level of service at Culver/Route 90 will rise above capacity to Level of Service F in all directions. The Commission notes, however, that the data that Caltrans provided with this application shows improvement at these intersections in 1993. It is unclear whether traffic had decreased between 1991 and 1995 as a result of the recession in those years, or whether there were differences in the studies' methodology or the time of year at which they were conducted.

Playa Vista traffic consultant, Kaku Associates has prepared the following table reflecting a more recent levels of service. They point out that in the time between 1990 and the present, some signal and striping changes were carried out at the intersections, reducing traffic congestion:

[5] Level F is the most severe level of heavy traffic, where traffic is approaching gridlock (Exhibit 13.)

Table 2 Existing Intersection Levels of Service Comparison Culver /90 ramp Intersections (source: Kaku Associates)									
Intersection	Peak hour	1990 Conditions from 1992 PV 1st Phase EIR		1998 Conditions from 2000 Project Report		2001 Conditions (Based on new counts)	
		V/C	LOS (a)	V/C	LOS(b)	V/C	LOS(c)
Route 90 EB Ramps & Culver Boulevard	Weekday AM	1.323	**F**	0.90	**D**	0.70	**C**
	Weekday PM	0.943	**E**	0.95	**E**	0.95	**E**
	Saturday PM	na		na		0.80	**D**
	Sunday PM	na		na		0.77	**C**
Route 90 WB Ramps & Culver Boulevard	Weekday AM	0.834	**D**	0.79	**C**	0.090	**D**
	Weekday PM	1.036	**F**	1.13	**F**	1.01	**F**
	Saturday PM	na		na		0.77	**C**
	Sunday PM	na		na		0.93	**E**
Notes a) Before lane reconfiguration on EB Culver approach to EB on-ramp and implementation of ATSAC b) 1998 and 2001 conditions incorporate lane reconfiguration at Culver/EB ramps and credit for ATSAC c) For illustrative purposes							

The information provided by these studies is consistent with Caltrans' contention that some improvement is necessary to maintain existing levels of service even without the Playa Vista project. Caltrans further asserts that the bridge is necessary to improve safety at present demand levels. The Commission notes that the study prepared by Kaku for the amendment to the Playa Vista Plan in 1995 assumes that each year, traffic will go up by 1.5% instead of 2% as indicated by Caltrans.[6] Both studies show that the levels of service are high and approach gridlock at least at some peak hours. It is clear, based on the information provided by Caltrans and others, that there is a need for road widening or other measures to alleviate present traffic congestion. These and other measures will also be needed in the near future when already-approved and vested projects are occupied.

C. WETLANDS.

A spotty mixture of saltbush scrub and introduced plants dominates the 18.83 acres of the median strip. This area includes a small retail nursery that is not being displaced, areas that were not previously paved, and the 5.02-acre (4.93 acres in the coastal zone) former boat/recreational vehicle storage yard. (As noted above Caltrans estimates that the entire median strip, not including the cross streets, is about 18.83 acres.) Parallel to the roadway, near the center of the median, there is a water-filled ditch that is fed from urban storm drains. The ditch, the Marina Drain, supports grasses, reeds and cattails and other

[6] The Commission also notes that the Kaku study shows the Culver Boulevard/Route 90 intersection more congested than Caltrans estimates in its recent letters (Exhibit 19 page 2).

freshwater wetland plants. On the eastern end of the site, there is a 4.93-acre former boat storage area. Within the last two years, the boat yard was demolished and willows and other plants often associated with wetlands have emerged on the former boat yard site. The identification of wetlands in the site dominated by the Marina Drain is clear. In the former boat yard, all parties agree that a 1700 square foot patch of willows and mulefat is a wetland, but some areas of the site support stands of sand spurrey, a wetlands obligate plant, and other areas support a mixture of facultative wetland plant, plants that are found in wetlands and also in other sites. After extensive discussion, staff has agreed that portions of this area may develop wetland characteristics, but for a number of reasons, the site is not identified as a wetland at the time of this application, and there is no conclusive evidence that the site would develop into a wetland if left in a natural state.

The Commission staff biologist, John Dixon, visited the Marina Drain on September 18, 2001. A portion of his evaluation follows:

> Route 90, Marina Highway: This project will impact small areas of existing man-made and degraded wetland. There is a ditch that carries urban runoff parallel to the highway and then curves south where it widens into a small freshwater marsh before entering a culvert. The California wetland delineation, as marked by stakes and tape, appears to include all stands of wetland vegetation. There is a great deal of exotic vegetation, such as pampas grass, that should be removed. (Dixon, 9/18/2001)

As noted above, a wetland delineation (Psomas, 1995) has shown that there are 1.81 acres of state jurisdictional wetlands on the median strip, some of which is open water. Within and adjacent to the inundated area, there is a large and vigorous stand of pampas grass. As the slope rises, there is “saltbush scrub” habitat, dominated by Saltbush (*Atriplex lentiforma*) and Coyote bush (*Baccharis pilularis*.) According to the Psomas survey, and the Streambed Alteration Agreement, (June, 2001) the area supports a number of bird species including the great blue heron, barn swallows, Allen’s hummingbirds, American goldfinches, northern mocking birds, mourning doves and other common upland birds such as sparrows (Exhibit 6, 1601 permit.) The marsh is degraded and of limited habitat value. Nevertheless, it is a wetland as defined by the Commission’s regulations and as confirmed by the Commission’s biologist.

In April 2002, doing a resurvey of the site, the applicant discovered a 581 sq. ft. of willow wetland and an additional area dominated by sand spurrey (*Spergularia marina*) in the area where the ramps are planned. (See Exhibit 4.) The applicant’s consultant indicated that the willows were wetland. The sand spurrey, is identified as a wetland obligate plant, on a 1988 United States Fish and Wildlife Service document entitled, the ”National List of Plant Species that Occur in Wetlands “. However, the applicant’s consultant felt that sand spurrey was not necessarily an indicator of wetlands on this site because descriptions in standard floras suggest that it is commonly found on sandy soils outside wetlands. Finally the applicant’s biologist identified other areas dominated by facultative wetland plants that are also typically found on recently disturbed areas. The applicant also indicates that in its opinion those areas are not wetland.

To support its conclusion, the applicant analyzed 1977 aerial photos of the site, identifying a drainage ditch and a swale "that may have collected runoff from interior portions of the site, directing the flow toward the east bound lanes and ultimately into the aforementioned culvert [on the southern edge of the property]. With regard to vegetation present, the applicant's consultant stated in part:

> "The dominant vegetation type on the site is ruderal, meaning that most of the species present are herbaceous and common to open, disturbed upland conditions. Such species include non-natives (e.g. ripgut brome, Bromus dandrus) as well as natives (e.g. telegraph weed, *Heterotheca grandiflora*).
>
> Certain species predominate at specific locations. These locations are shown on Figure 4. Arroyo willow (*Salix lasiolepis* FACW) and mulefat (*Baccharis salicifolia* – FACW) form a small cluster at the east end of the swale, although small individuals of both species are widely scattered (not dominant) across the site. Sand spurrey (*Spergularia marina* [=S. *salina*] OBL) forms nearly monotypic stands across the north and south sides of the site, parallel to the swale.

The applicant's consultant continues:

> With regard to the second point, like other species on the National List of Plant Species that Occur in Wetlands, sand spurrey's habitat range as reported in taxonomic texts (Hickman 1993) is much wider than the National List designation of "Obligate" would suggest. In this case, the species in California is found on mud flats, alkaline fields, sandy river bottoms, sandy coasts, and saltmarshes (Hickman 1993 p. 494). Munz (1974 p. 347) describes the habitat as common along seashore and in alkaline places of the interior and occasional on deserts. " Mason (1969) describes the habitat as "alkaline places, salt marshes, seashore." If the suggestion of Hickman (1993) that the correct name for *S. marina* may be .*S salina*, is accepted, the description of Jepson (1951 page 350) also applies, which is that *S. salina* occurs across a broad range of habitats, "the alkaline plains of the Sacramento ad San Joaquin valleys, west to the salt marshes near the coast". This range of habitat associations suggests that sand spurrey has broad tolerance for soil alkalinity, soil texture, soil moisture retention capacity, and natural disturbance regimes associated with riverine and dune ecosystems. None of these conditions necessarily equate to wetlands.
>
> Section 4.0 Conclusions.
>
> Sand spurrey, classified as "Obligate" on the National List of Plant Species that Occur in Wetlands (Reed 1988; USFWS, 1997), dominate over several large areas of the site but the soils at those areas do not exhibit hydric characteristics within the upper soil profile where this annual plant is rooted. The soils at the site in general and where sand spurrey dominates specifically consist of a fine sandy loam down to approximately 15 inches. Shell fragments, and other isolated features that

> obviously did not form in place, indicate that the upper soils are imported and do not exhibit historical or contemporary hydric indicators. Also surface indicators of wetland hydrology are lacking except for localized small depressional areas that probably subsided after dismantling of the former asphaltic cover.
> …
> The only area at the site that supports predominance of hydrophytic vegetation in association with hydric soils, and where these observations are unlikely to be season dependent occurs at the east end of the swale in an area supporting a sparse canopy of mulefat and arroyo willow and an understory herbaceous layer dominated by facultative species. Soil sampled at two locations in the area (numbers 1 and 4) exhibited contemporary redox features in the form of mottles within the upper 15 inches of the profile this section of the soil profile is underlain by a layer of a sticky clay with fine sand which is probably extensive enough to form an effective aquatard that perches water.
>
> Based on the association we conclude that the arroyo willow-mulefat association shown on figure 4 at the east end of the swale appears to meet technical criteria as wetland under the California coastal act. Absence of a clearly defined streambed and other hydrologic indicators associated with this feature excludes it from federal, (Corps) and other state (CDFG) jurisdiction." (Read and Winfield, 2002, see Exhibit 4 for additional excerpts from document.)

Senior biologist Dr. John Dixon reviewed the report, attached as Exhibit 4, and requested additional mapping of the areas. He visited the site in the company of the consultants and Caltrans staff on May 13, 2002. His report attached as Exhibit 5, concludes that only the previously identified Marina Drain and the area dominated by willows and mulefat can be considered a wetland at this time. He indicated that the area dominated by willows and mulefat should be larger than originally believed, or about 1700 square feet. For a number of reasons, described in more detail in the letter attached, he determined that he could not say with assurance that areas of the site dominated by wetland facultative annuals that are wetlands. This is because their appearance is recent and there is no evidence that they will persist in the locations where they have been observed. His report states in part:

> "The subject site is currently a difficult site to delineate for at least four reasons. First, the topography has been substantially altered over the years by agriculture and later by fill and grading. Second, it is an atypical situation because it was used for many years as a vehicle storage yard and was covered with asphalt until November 2000. Therefore, all the vegetation is recent and the vegetative characteristics of the site will continue to undergo successional changes for several years. Third, it is a problem situation because November 2001 through April 2002 was a period of extreme drought (3.98 inches of rainfall compared to the long-term average of 11.33 inches[7]). Finally, it is a problem situation because the soil is

[7] Rainfall data for Los Angeles International Airport from Western Regional Climate Center.

comprised of fill from elsewhere, so soil color and redoximorphic features[8] are not necessarily reliable indicators of hydric soils. …"

Doctor Dixon concludes, in part:

> The pattern of the herbaceous vegetation is confusing and bears little relationship to the topography of the site. Throughout the site, many areas are dominated by species that are designated as OBL, FACW, or FAC in the list of plant species that occur in wetlands. Of the 8 dominant herbaceous species present in the samples, 6 are FAC or drier. However, the remaining two are *Spergularia maritima* (OBL), an annual herb and *Polypogon monspielensis* (FACW+), an annual grass. *Spergularia* occurs throughout the site and probably has the greatest ground cover of any species, but particularly dominates the higher, apparently drier areas. The swale, which one would expect to be wetter, is dominated by FAC herbaceous species. *Polypogon* occurs in single clumps or small patches throughout the site. A portion of the swale also supports arroyo willow (FACW) and mulefat (FACW), which are dominants in the shrub layer. Except in patches of nearly 100% *Spergularia*, the wetland indicator species are intermixed with 30 species of mostly weedy, upland plants, all but two of which occur only as subdominants.
>
> It is clear that no areas on this site would delineate as wetlands under the Corps' regulations due to the absence of hydrology indicators and the general absence of hydric soil indicators. However, the preponderance of dominant species throughout most of the site was OBL, FACW, and FAC wetland indicator species, which meets the Corps' vegetation criterion. However, since there was also substantial evidence of upland environmental conditions, it was necessary to assess whether the predominant species were growing as hydrophytes and were therefore indicative of a wetland. In the above mentioned reports, it is concluded that the area that was dominated by arroyo willow and mulefat in the shrub layer and that had a relatively shallow clay confining layer with redoximorphic features in or near the root zone is a wetland under the Coastal Act. I agree with that conclusion and with the boundaries, as modified during our site visit and shown in the revised map referenced above. The reports also concluded that none of the rest of the site qualified as wetland. I also agree with that conclusion, but in the narrow sense that those areas did not have wetland characteristics in 2002.
>
> Such a caveat is unusual in a recommendation. In a natural area under normal circumstances during a drought year, one would use professional judgement to adjust for the shortage of rainfall and make a wetland determination that would try to capture the wetland boundaries under usual conditions. Even in the case of seasonal wetlands, there would be evidence of prior conditions in the soils and the perennial vegetation present. One might also be able to examine aerial and ground level photographs from recent years with more normal rainfall and talk to local

[8] Redoximorphic features, such as "rust"-like concentrations, result from the reduction, translocation, and oxidation of iron and manganese oxides in, at least periodically, saturated soils.

> residents with knowledge of the site. With the return of normal weather conditions, the site would tend to return to its average mix of wetland and upland hydrology and vegetation. At the subject site, this approach is not possible because the usual condition has been that of an asphalt-covered parking lot. One can only look at the current condition, during an extreme drought, and perhaps guess at the community trajectory. If the soil characteristics of the upper north and south slopes are similar to those immediately west of the fence that defines the western edge of the previously paved area, then one would expect that the vegetation would eventually take on similar upland shrub characteristics. On the other hand, the presence of a shallow, clay-rich confining layer over portions of the site provides a soil environment characteristic of many wetlands and demonstrates wetland potential. In fact, I think it more likely than not that some areas in or near the swale but outside the boundaries of the delineated wetland will develop wetland characteristics over a period of years with normal rainfall. However, there is no factual basis for delineating additional areas at this time. Because of the unique situation at this site, identifying such areas would require observations during the rainy season of a normal rainfall year, or a significant experimental study of hydrology and soil characteristics. (Dixon, 2002, Exhibit 5)

The applicant originally proposed to fill two sections of the Marina Drain totaling 0.23 acres and to redirect water in those sections to underground culverts. The original design required fill to accommodate ramps that would have connected the bridge to the existing travel lanes. In addition, the applicant originally identified 0.09 acres of wetland that would not be filled, but that would be so close to the grading that the area would suffer "temporary impacts." Originally the applicant stated that it is not feasible to elevate these ramps. Then the applicant proposed to bridge over the wetlands, but at a hearing the Commission indicated that the shading that would occur as a result of the bridges was a problem. Now the applicant changed its request and proposed the "Modified East Alternative," that would not fill or shade any portion of the originally identified wetlands (the Marina Drain), but it would fill 0.03 acres of area dominated by sand spurrey (Spergularia) and some wetlands facultative plants including (*Picris* (bristly ox tongue), *Polypogon* (rabbits foot grass), Melilotus indica (Indian sweet clover), and *Conyza canadensis* (horseweed). However, as indicated above, this area is not functioning as a wetland at this time. Moreover, although the Commission's Senior Staff Biologist found that it may do so in the future, the Commission cannot wait for several rainy seasons to determine whether the area will revert to wetland or be invaded by other plants. The possibility that this area is wetland is based on the presence of a wetland obligate, sand spurrey, and several wetland facultative plants listed above, that are also found in disturbed areas. An invasion by upland plants that are already also on the site, including coyote bush (*Baccharis*) and pampas grass, would remove the possibility of the area being defined as a wetland. The Commission cannot make a regulatory decision based on inconclusive information, which is the inability to yet determine that the area is or is not a wetland -- a condition that might turn out to be true in the future. Therefore the Commission will allow the proposed development, as long as the remainder of the area is revegetated and the

areas adjacent to the Marina Drain are revegetate compatible with wetland buffer and wetland vegetation.

COASTAL ACT LIMITATIONS ON WETLAND FILL.

Section 30233 of the Coastal Act provides for wetland fill under a limited set of circumstances. Section 30233 limits wetland fill. In this case, the applicant has revised its application such that no wetland fill will occur. However, even if the fill of areas that are indeterminate were to be analyzed following the stricter standard, the Commission notes that the applicant has taken every measure to avoid fill of wetlands and areas adjacent to wetlands. Because this project avoids all wetland fill, no Section 30233 analysis is required for the project as now proposed.

D. ALTERNATIVES.

Before the Commission can approve any project, it must determine that there is no feasible alternative that is less environmentally damaging. Caltrans representatives assert that they examined alternatives as part of their initial project evaluation. They have provided a list of alternatives and the reasons for rejecting them.

Traffic re-routing or a change in modes. The first set of alternatives would include alternate routes or modes for traffic. Are there alternate routes that the traffic that presently congests this intersection could take, such as Jefferson, Manchester, or Washington Boulevards? What improvements could take place on any of those routes to improve capacity and attract commuters away from Culver Boulevard or the Marina Freeway? Secondly, are there feasible modal shifts, such as an express bus from the South Bay to one of the currently proposed light rail lines that would encourage enough modal shifts to reduce traffic? How much traffic would need to be reduced to maintain capacity? Even if only a small percentage of commuters would change their route or ride a bus, could that reduce levels of congestion enough to maintain levels of service? In response to this issue Caltrans provided the alternatives analysis from its project report:

> **Rejected Alternatives**
>
> The objectives of the proposed Project are to reduce projected future congestion levels and congestion-related accidents along Route 90 within the project area. No viable project alternatives, other than the proposed Project, have been identified which would satisfy the project objectives at a lesser cost. As discussed below, higher-cost alternatives were studied; however, they were determined to have greater right of way and/or environmental impacts or would provide less benefit relative to the proposed Project.
>
> Under the "No Project" alternative, the interim interchange at Culver Boulevard would not be built, resulting in a continuation of the at-grade signalized expressway

intersections at this location. Likewise, the section of Mindanao Way between the two existing Route 90 roadways would not be improved -- instead retaining its present cross-section. Table 2 shows the results of intersection capacity calculations assuming the retention of the existing roadway cross-sections (i.e., the No Project alternative). As can be seen, all of the analyzed locations are projected to experience significant increases in V/C ratios with corresponding increases in congestion. This is especially true at the Culver/Route 90 location, where the No Project alternative would result in approximately one-half of the capacity needed to accommodate the projected future traffic demand.

The Caltrans Project Development Team (PDT) analyzed alternative designs and geometric configurations for the Route 90 improvements proposed as part of this Project during the series of design workshops in November and December of 1995. The design alternatives considered at that time were determined to be infeasible, overly costly, or otherwise inferior to the proposed design and were rejected by the PDT. In addition, the mandatory Fact Sheet approved on February 29, 1996, determined that no incremental improvements were considered to be viable for the Project.

The alternative routes investigated for widening included Jefferson Boulevard, Washington Boulevard, and Venice Boulevard. Jefferson Boulevard will be widened from Route 1 to Centinela Avenue as part of the Playa Vista mitigation program. In addition, the Playa Vista mitigation program includes improvements at key intersections along the Jefferson Boulevard corridor. However, capacity constraints at the Jefferson Boulevard/I-405 interchange limits the effectiveness of these improvements when it comes to connecting Jefferson Boulevard to the regional freeway system. Major widenings along Washington Boulevard and along Venice Boulevard were determined to be infeasible due to residential and commercial land use impacts.

Interstate 10 (Santa Monica Freeway) has been studied for the addition of high-occupancy vehicle (HOV) lanes. Further widenings to add mixed-flow lanes appears infeasible due to right of way impacts and costs. Computer model simulations of a widened I-10 indicated that the widened facility would not divert enough trips away from the central portion of the study area to relieve congestion in the Route 90 corridor. [*Excerpt from:* Caltrans Project Report on Route 90 between Mindanao Way and Centinela Avenue.] See also exhibit for an analysis of alternative east west routes from the Lincoln corridor to the 405 Freeway, all of which would have to be widened to achieve more capacity.

With respect the alternative of encouraging increased use of other modes of transportation, Caltrans indicates the (1) the present ridership of transit in this area and on this route, including traffic from the South Bay to the 405, is so low that there is little ability to encourage a modal shift that would result in reduced traffic in the near future. The Playa Vista Phase I EIR, as modified in 1995 anticipates that Phase I Playa Vista will generate 44,550 trips on a typical weekday; the evening peak hour trips generate would be 5,360

trips. With respect to transit the EIR states that there are currently 1,793 daily trips by transit in the corridors near Playa Vista (admitting that this number may be understated because not all bus companies have accurate ridership figures.) While up to 25% of commuters to downtown Los Angeles use transit of same kind, most commuters from the South Bay to down town and to Santa Monica do not use transit. This bridge is an improvement of a small segment of a route primarily used by automobiles to access the 405 Freeway. An alternative mode would have to divert commuters to another mode over several a long routes, from the South Bay or the Marina del Rey to either mid Wilshire or down town Los Angeles that converge on Route 90. Most travelers on this route come from Playa del Rey, the South Bay or Marina del Rey. There are already express busses serving downtown from these locations and traffic is currently at capacity. Transit planners consider the length of time that it takes a commuter to travel from his or her point of origin to his or her destinations the portal-to-portal time. Any transfers that are necessary during a trip drastically increase this time, and make automobile travel much more attractive. By their nature, express buses have relatively few stops. To encourage more people to ride these buses it would be necessary to speed up the collection and distribution system at either end of the line—and/or reduce the time of the trip itself. Considerable increases in investment in transit combined with disincentives to the use of cars; such as high parking fees can increase transit ridership, as it has in down town Los Angeles. The level of traffic that is now observed is the level of traffic after the adoption of parking disincentives at high-density destinations and the introduction of express buses. The construction of facilities to bring an additional modal shift about in this area, enough to reduce traffic along the Culver or Route 90 to 405 routes are a long way from being accomplished. Any express bus system would have to use one of these streets (either Culver or Route 90), and so would benefit from anything that speeded up traffic on either the Culver Boulevard or on Route 90.

Bus routes: Several public bus routes use Culver Boulevard and Route 90. One is a rush hour express from Marina del Rey to down town Los Angeles; the other connects Mid Wilshire with the airport and airport industrial areas. Ridership is light, and these bus lines use the Route 90 and Culver Boulevard.

Light rails. Light rail is not an alternative to this bridge. The greater Los Angeles area has three light rail routes in operation and/or nearing completion, none of which serve this area: (1) a line from down town Los Angeles to Long Beach (the Blue Line); (2) a line from Norwalk to the South Bay (the Green Line): and (3) a line from down town to East Los Angeles and Pasadena, which is nearing completion (the Gold Line.) The Metropolitan Transit District (MTA) has prepared an EIS for an east-west light rail along an abandoned rail right of way that extends from Santa Monica to down town (The Exposition Corridor). MTA has requested federal funding to design this line, but even if funded, this line would not be available for at least five years and would not serve Playa Vista or the South Bay area. If the Exposition line were eventually funded and constructed, it would connect to the Playa Vista and the South Bay projects only with a “feeder line,“ a bus or jitney, which must use Culver Boulevard. There has been some discussion of construction an extension of the Green Line to serve the Airport and Playa Vista. This extension has been discussed but has not been designed, studied or funded.

Enhancing this intersection would enhance bus service. Therefore there is no transit or alternate traffic route alternative that is achievable in the short run that would remove enough traffic from this intersection to be an alternative to the bridge.

Design alternatives. The Commission and the applicant have also investigated construction methods that would eliminate or significantly reduce wetland fill by either re-routing the ramps, or by placing the ramps on pilings.

In this case, Caltrans investigated several alternatives and determined that one alternative, the Modified East Alternative, would not result in fill or shading of the Marina Drain. By lowering the bridge and curving the ramps outward to the existing frontage roads, the modified east alternative, the third alternative presented by Caltrans avoids all fill of open water. The ramps are designed to curve down 30 feet from the level of the bridge to the level of the current roadway. The ramps are supported on earth fill. Some fill of the area dominated by sand spurrey and wetland facultative plans would occur where the berms supporting the ramps descends. With the addition of pilings under the ramp of this alternative it can avoid the 1700 sq. ft. patch of willows and mulefat. However, the ramps necessary to connect this alternative to the bridge would result in fill of 0.03 acres of the areas that are vegetated with sand spurrey area and additional other wetland facultative plants. The willow-mulefat area and additional vegetated areas would be shaded. Since this alternative also includes pilings, the installation of pilings, while avoiding the willow area, would also impact the area dominated by Picris and Melilotus, wetland facultative plants (polygons H and I.)

The chart below, prepared by the applicant, compares the impacts on the Marina Drain and the Willow area (identified as “wetland area”) and on the sand spurrey area (identified as “vegetation area”) by each of the various alternatives, including an alternative proposed by the opponents (the “North alternative”.)

ROUTE 90 ALTERNATIVES ANALYSIS
WETLAND AREA IMPACTS (Acres)
(INITIAL ESTIMATE - MAY 17, 2002)

	Modified East*		Bridge-Over-Wetland*		West *		North*		Original Design	
Alternative	Fill	Shading	Fill	Shading	Fill	Shading	Fill	Shading	Fill	Shading
Original Delineated Wetlands				0.10		0.15	0.51		0.17	
Boat Storage Yard Wetlands		0.04		0.04		0.04			0.04	
Wetland Subtotal		0.04		0.14		0.19	0.51		0.21	
Boat Storage Yard Vegetation	0.03	0.57	0.08	0.81	0.08	0.75	0.08	1.11	1.14	0.11
Total	0.03	0.65	0.08	1.09	0.08	1.13	1.1	1.11	1.56	0.11

* Assumes that the Alternative "Bridges Over" the wetland and vegetation areas instead of fill whenever possible.

Source: Caltrans staff

Caltrans considered a Bridge Alternative. If the facultative plants had been considered wetlands, this alternative would result in the least amount of fill, at the cost of some shading. However, this alternative would have shaded the Marina Drain.

Opponents have suggested moving the ramp and the frontage road to the northern side of the median strip. This alternative would link the wetland area with Area C Playa Vista, which is owned by the state. Area C Playa Vista supports a small Salicornia marsh near the outlet of the Marina Drain. Caltrans indicates that this alternative would result in one half acre of wetland fill, much of it in open water areas. One group of opponents, the Ballona Wetland Land Trust argues that this fill could be justified if it resulted in a larger area of connected habitat. Caltrans has agreed to take a second look at its design to see if the width of the roadways, and consequent fill, could be reduced. However, Caltrans staff has indicated that this alternative would result in curves and stopping distances that are unsafe. Their detailed comments were not available when the staff report was ready to be released

Caltrans also considered relocation of the roadway. Relocation of the road to the north or south would impact either existing developed areas or Area C Playa Vista. Area C is a 69-acre tract directly south of route 90 that is owned by the State of California and under

consideration for restoration and park use.[9] Therefore there are no feasible alternative designs that would have less impact on wetlands.

E. MITIGATION MEASURES.

The applicant has proposed mitigation measures to mitigate shading and temporary indirect impacts on the wetland due to construction noise and equipment. (Exhibit 7). These mitigation measures are described in more detail in the section on biological productivity below. Basically the mitigation measures propose to remove invasive, introduced plants from the site, install new wetland and coastal sage scrub plants and to improve the filtration of runoff that enters the site from 4.8 acres of existing impervious road area and from the 2.3 acres of new pavement. The applicant proposes to monitor the installation, for five years.

The project is directly adjacent to Playa vista Area C, which is under consideration for retention as a park and restoration as habitat. South and west of area C are several other areas of playa vista that public and private agencies now either plan to restore, or that may potentially be acquired and restored as a natural habitat. If restored, one initial action of the restoration agency would be to remove existing invasive plants and replace them with native wetland, coastal prairie and coastal sage scrub plants that are common in the Ballona valley.

Removal of invasive plants is a crucial action in an area with planned restoration. Invasive plants can overwhelm existing habitat areas, and even more so a site such as this, that was recently cleared. This site is already degraded and not subject to inundation, and that is also near developed areas, where invasive ornamentals are common in public and private landscaping.

The Commission has received reports of restoration projects that were seriously compromised by invasive plants. Recently, the Commission reviewed reports concerning a site in Venice that was developed in 1982 (5-82-479). As part of the 1982 project, the canal bank was cleared and re-seeded with natives. The project was located adjacent to an area where an invasive plant, *Myoporum*, was used for landscaping. In subsequent years, the *Myoporum* has overwhelmed the plants that were initially installed. This, and similar experiences, leads the Commission to conclude when a proposed restoration area is adjacent to an area dominated by invasive plants, longer and more aggressive monitoring is necessary to assure that the area functions as proposed. One of these invasives, *Myoporum*, is found in Route 90 embankment outside the coastal zone, where Caltrans installed it in the 1970's. The removal of invasive plants from this area would enhance its biological productivity, as describe d below and would eliminate a source of invasive plants that are proliferating in the Ballona wetlands west of the site.

[9] Area C is identified as 73 acres in the Marina Ballona LUP, but is also described as containing 69 acres. The difference is the area dedicated to the County within the present Culver Loop and to other roads. The undeveloped area in Area C is 69 acres.

In sum, this site includes two areas of wetland. The project does not involve fill in either wetland, but will shade 0.04 acres of a willow area. The project will result in temporary disturbance of the wetland areas as a result of noise and disturbance from construction. The Commission has imposed conditions to assure that construction equipment as planned stays out of the wetland areas, and as described below to prevent siltation into the wetlands or pollution of the wetlands from the road runoff after construction. The commission has also imposed conditions to assure that silt will not flow from the site during construction, as again into the wetland, as again further described below. As proposed and as concerned the proposed development is consistent with Section 30233 of the Coastal Act.

F. ENVIRONMENTALLY SENSITIVE HABITAT AREAS.

Section 30240 requires:

> **Section 30240 Environmentally sensitive habitat areas; adjacent developments**
>
> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The upland portion of this median strip cannot be classified as an environmentally sensitive habitat area. Even the wetland is cut off from other wetlands and is degraded, although it should, like all wetlands be considered an environmentally sensitive habitat area, since wetlands by their nature are a type of environmentally sensitive habitat area. They have a unique role in the ecosystem, and have become increasingly rare, so that even degraded wetland must perform irreplaceable functions for migratory and water-dependent species.

However it is adjacent to an area that may become a park and to portions of Playa Vista Area C, parts of which may be considered environmentally sensitive habitat areas. As such, the project must be sited and designed so that impacts to vegetation in the median strip and in adjacent areas will be minimized and so that any development that would significantly degrade those areas will be prevented. Even when the vegetation is not unique or especially valuable, an area next to an environmentally sensitive habitat area can provide cover and food sources for animals found in the adjacent area. Removal of vegetation can cause siltation into adjacent areas; planting of invasive plants can encourage invasion of the adjacent sensitive area by those plants. The area has been surveyed in order to determine the boundaries of potential wetlands and to provide

information to the California Department of Fish and Game to process a Streambed Alternation Agreement (termed a 1601 permit).

The Streambed Alteration Agreement 5-265-00 approved by the Department of Fish and Game in June, 2001 indicates that while many birds and other animals found in the Route 90 median are typical upland birds found in nearby developed areas, others animals that use the site are dependent on adjoining Area C, Ballona Creek and the Ballona wetlands. These include raptors and the great blue heron. Roads near wetlands can have other impacts: noise and siltation during construction can disturb animals; siltation and runoff during and after construction can damage water quality. Moreover, the "Marina Drain" flows downstream into two other areas of the Ballona Wetlands, Areas A and C and Marian del Rey.

Invasive plants, silt and chemicals can travel downstream into areas identified for restoration. Seeds and plant fragments can move down the waterway and reinvade restoration areas. Caltrans has particularly mentioned iceplant (*Carpobrotus edulis)* and Pampas grass, which have invaded the wetland and upland areas on this and adjacent sites, but other introduced plants that are difficult to remove during restoration efforts are also found on the site. These include the Garland daisy, (*Chrysanthemum coronarium*) and Bermuda grass. For this reason, Caltrans has offered to remove invasive plants from this site and enhance the onsite wetlands.

Invasive plants can overwhelm habitat areas and undermine restoration projects. In nearby Ballona Lagoon, the initial restoration that was attempted in 1981 was overwhelmed by iceplant and garland daisies, which the City removed in a second restoration, funded by the California Coastal Conservancy in 1995-96. In areas adjacent to the Freshwater Marsh (approved by the Commission in CDP CDP-5-91-463), and other parts of Playa Vista Areas A, B and C, the extent of the areas covered with pampas grass and iceplant has increased in recent years.

Secondly, the waterway can carry chemicals and road discharges down stream. Therefore the Commission is also imposing conditions to protect the Marina Drain from discharges, runoff and siltation (see below in the Water Quality section). The Commission has further conditioned the project to assure that no fill or disturbance of wetland areas on the site, or siltation into them, will occur.

At hearings on a road-widening project in nearby Area C (5-01-382/A-5-PLV-00-417), the Commission received information indicating that lighting and noise associated with roads can have impacts on habitat areas (Substantive File Documents). Night lighting can disrupt the foraging and breeding of native reptiles, insects and amphibians. The Commission has therefore imposed conditions addressing lighting to protect the habitat on the site and on adjacent Area C so that lights from the road will not shine onto the wetland and habitat areas in the project areas and adjacent to it. The Commission has further conditioned the project to forbid night construction, and to require that during construction the applicant survey and avoid rare plants and nesting birds. The applicant acknowledges that the presence of a highway will have some impacts in terms of noise, lighting and

disturbance during construction and subsequent operation. As mitigation for those impacts, the applicant has proposed to enhance the habitat areas found on the site and to use native plants in the fill slopes that are compatible with the wetland and upland habitat now found on the site.

The applicant proposes to restore much of the area of the site. Opportunities to introduce additional water onto the site are limited, so the applicant plans to concentrate on removing invasives from this site and replacing the existing plants with suitable buffer plants.

Restoration plans concentrate on coastal prairie, on buffer plants and on enhancing water supply on the lower elevations of the site. The Marina Drain is fed by nuisance water. The swale in the boat yard collects water during the rainy season apparently due to a clay lens below it. The ability to increase the amount of inundated lands is limited on much of the site, especially on the former boat yard that is a distance from the Marina Drain. If more water were let into the site, there is no indication that it would circulate enough to provide oxygen for wetland dwelling plants and animals. One choice might be to grade the area to receive tidal flow from Area C if and when Area C was actually restored.

Bridging wetlands and creating shade can reduce the viability of plants that need sun, such as willows. The applicant states that when the bridge is narrow and 14 feet above grade as proposed for the ramps, a significant amount of sunlight will reach the plants under the bridge. Much of the value of the site, because it is fenced, is as a nesting area. A noted above, a killdeer and ground nesting birds such as doves were observed nesting.

The Commission has required, in Special Conditions 2, 4 and 5 that impacts of construction be limited, and in Special Condition 3, that the proposed enhancement be planned and designed consistent with nearby habitat and with the soils found on the project site. The Commission has also required that enhancement plantings be monitored intensively for five years, and thereafter, on a schedule that is consistent with Caltrans regular maintenance schedule, but no less often than once a year. As conditioned, the project's impacts on onsite and adjacent habitat areas will be minimized. The project itself should, buffer adjacent habitat area from impacts of nearby developed areas in the future. As proposed and as conditioned, the project is consistent with Coastal Act Sections 30233 and 30240 with respect to impacts on habitat and on adjacent parklands.

G. WATER QUALITY MARINE RESOURCES.

Section 30230 requires the protection of marine resources.

Section 30230

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a

manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Roads are major sources of pollutants that flow into water bodies. The new section of road proposed in the proposed project will drain to the Marina Drain, which drains into Playa Vista Area C, and then under Lincoln boulevard in a ditch along the northern boundary of Area A and ultimately to Marina del Rey. The upland source of water for the Marina Drain is surface runoff from Route 90, but also businesses and parking lots north of Route 90 along Mindanao and further north (Exhibits 10 and 11). In order to protect water bodies and water quality from polluted run-off, the applicant proposes a number of measures. Caltrans encourages trash removal programs and plans to design the freeway to reduce the discharge of polluted water. Caltrans indicates that it opposes use of fossil filters on highways because filters can clog during heavy rains, resulting in ponding on the road surface, and presenting a hazard to motorists.

On March 11, 2002, Caltrans submitted the "Post Construction Stormwater Quality Management Plan: Route 90 Improvements, Modified East Alternative" (WQMP) to Coastal Commission staff. The proposed WQMP meets water quality objectives outlined by staff. The WQMP proposes a treatment train approach to water quality protection through the use of grated trash inlets, trash and gross solids removal devices, bioswales, and energy dissipaters. The BMPs have been designed to 0.3" of rainfall, thus exceeding the 85th percentile standard in this area. In addition to filtering the 2.3 acres of new development, the BMPs will treat 4.8 acres of existing roadways. The WQMP as proposed is sufficient to meet the post-construction conditions in this permit.

The proposed Route 90 development will increase the impervious surfaces, and may increase the peak runoff rate from pre-development levels. In order to counteract any potential increases in peak runoff rate, the applicant has proposed bioswales and energy dissipating devices. Designed with a 9-minute residence time, the bioswales and the energy dissipating devices at the pipe outlets will ensure that the downstream erosion due to the development is insignificant.

For this project, the recently submitted Caltrans 2002 Water Quality Management Plan for this project includes the following:

- "Treatment train of BMPs including grated inlets, trash and gross solids removal devices, and bioswale systems
- Treats runoff from both existing and new impervious areas, as well as the road right-of-way
- Should result in improved water quality overall as compared to pre-project conditions due to the extensive amount of existing impervious areas that will be treated via bioswales.
- Meets and exceeds the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) and also the Caltrans Stormwater Management

Plan (SWMP) requirements." (See Exhibit 26 for a detailed description of Caltrans water quality control plan.)

While the Commission in the past has required fossil filters on residential and commercial projects, research conducted by Caltrans thus far has indicated that Drain Inlet Inserts (e.g. Fossil Filters) is an ineffective application for this type of highway project. In addition, Fossil Filters may present a safety hazard for the motoring public due to the potential for drain inlet failure, which would lead to flooding on the adjacent roadway. Several studies have been conducted by Caltrans in regards to their performance for use on some highway facilities.

The project drains into Area C Playa Vista, and from this area, via culverts, into Area A and into the Marina del Rey, an impaired water body. Its upland sources consists of the shopping center located between Mindanao and Lincoln Boulevard, with many impervious surfaces and at least a thousand parking spaces and two office structure and a bank located directly east of Mindanao and north of route ninety thatch as about 800 parking spaces. There is high density residential development is upstream of this development.

The RWQCB is investigating measures to improve the water quality of the Marina del Rey. Important bird, invertebrate and fish species live in the area and feed in these waters, and the area has high human recreational use. Therefore it is appropriate to employ as many measures as feasible to ensure that the water discharged from this project is improved in quality from its present condition or that is least no worse, after the increased automobile traffic that will be attracted by the bridge. The Commission has required in its conditions, measures to improve the quality of water discharged into the habitat. The Commission finds that it is possible to improve the quality of water discharged from the project by requiring 1) measures during construction to reduce runoff and siltation, and 2) on site filtration area in the median strip to filter road runoff before in enters the wetlands on the site, 3) requiring these measures to be effective in an 85th percentile storm.

The wetlands on site are essentially exposed portions of existing underground storm drains that serve industrial, commercial and residential areas of Venice. Because they are storm drains, they are already polluted. Moreover, run off from roads is polluted with oil and gasoline by-products.

In the past, undeveloped land in this area was for years used for unregulated dumping and for agricultural dumping. When Playa Capital excavated the freshwater marsh in Area B, they discovered that past oil drilling and industrial disposal had resulted in the disposal of contaminated soils near the surface. Caltrans asserts that it conducted tests in this area, and that no contaminated soils were revealed. Caltrans indicates that it has already carried out extensive onsite tests for contaminants.[10] Reports show that consultants

[10] See: Law, Crandall Inc., "Report of Lead Assessment, Playa Vista STIP Improvements, Lincoln Corridor and Marina Freeway Corridor, Los Angeles, California," prepared for Maguire Thomas Partners, Los Angeles, California, January 19, 1996; and Law, Crandall Inc., "Report of Phase I Environmental Assessment, Playa

conducted a literature search that showed no records of any contaminating industry on the site and two test borings at the edge of the present frontage road. If the tests are accurate, there is little chance of encountering contaminated sediments. If, during construction, the applicant discovers that the soils are contaminated, the Regional Water Quality Board has standards concerning appropriate methods of excavation and disposal of contaminated sediments. Therefore the Commission does not require any additional testing or disposal of sediments.

The most frequent soil contaminant found in road widening projects is aerially deposited lead from exhaust. Initial 1996 studies by Law, Crandall, on behalf of Maguire Thomas indicate that lead is present. (See Substantive File Documents; item 19, Law, Crandall for reference.) Caltrans normally disposes of lead contaminated sediments by burying them under roads. The Caltrans has a permit from the State Water Board to do this. The State Water Board requires that reburying lead take place a certain distance above ground water. This coastal development permit does not allow contaminated soils from offsite to be used for fill under the ramps.

Although the Commission has imposed standards to assure that the development does not add to pollutants of down stream waters, it does not require that the on site development "clean up" the stormwater that comes onto the property from upstream. Two correspondents, notably Heal the Bay and the Santa Monica Bay Keeper (Exhibits 24 and 25), have pointed out that the Marina del Rey, which is the receiving water body of the Marina Drain, is an impaired water body. They indicate that Caltrans may have an obligation to improve the water quality of any water coming down the drain before it leaves the site and discharges into the impaired water body. Caltrans has proposed BMP's, which they assert will improve the quality of water discharged from the site. Caltrans notes that it plans to install only 2.3 acres of roadway and impervious surfaces, but plans to treat the runoff from an existing 4.8 acres of roadways.

In addition, the Commission is requiring limits to the volume and velocity of runoff from the developed site. The applicant asserts that with the reduced pollutant load that it expects, that it should not also be required to avoid increasing the volume of runoff. An increase in impervious surfaces disrupts the natural attenuation of runoff by natural drainage features and surfaces, and causes an increased peak runoff rate and volume. This can cause erosion, scouring, disturbance of downstream habitats, and increased peak flood discharge. The Commission routinely requires that developments mitigate for the increased volume and velocity of runoff to prevent the degradation that it can cause. In this case the volume and velocity is held to no increase because of the proximity and sensitivity of the Ballona Wetlands and associated ecosystems. Moreover, the Commission has imposed requirements on the pollutant concentrations and mass loadings in runoff. With the increased amount of runoff from the developed site due to the increase in impervious surfaces, there can be a decrease in concentration of pollutants

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Vista STIP; State Route 90, (Marina Freeway), from Lincoln Boulevard to Centinela Avenue, Playa Vista Project;" prepared for Maguire Thomas Partners, Los Angeles, California, February 23, 1996; in project file.

per-unit water from pre-development levels, while still being an increase in the total amount of pollutants. Therefore the Commission is imposing conditions ensuring that both mass loading and concentration of pollutants are minimized. These measures will protect the water quality of receiving waters.

The City and County of Los Angeles are subject to RWQCB orders to cleanup their stormwater discharge, if necessary by addressing runoff from individual sites within their jurisdictions. As the City and County comply with these orders, the quality of the water entering this property and leaving it will gradually improve. It is not the Commission's responsibility to enforce citywide standards that are the responsibility of the RWQCB to develop, adopt and enforce. It is only responsible to assure that the development approved does not conflict with any of the policies in Chapter 3 of the Coastal Act. The Commission is requiring, as noted above, that the treatment for runoff from this site be sized to treat water discharged during an 85th percentile storm. The applicant asserts, as noted in Exhibit 26 that the BMP's that it plans to incorporate into its project will improve the quality of the water discharged from the site, although it states that the quantity discharged will be slightly more than the present quantity. In this way only a minimal amount of pollution attributable to this development will enter the Marina Drain. As conditioned the project is consistent with Coastal Act Sections 30230 and 30231 in terms of its potential impacts on water quality.

The Commission notes, however, that certain BMPs like hydroseeding or mulching may utilize plants that could be detrimental to the wetland or surrounding habitat by introducing plants, such as iceplant (*Carpobrotus edulis*) or Bermuda grass that can invade wetlands areas or displace native species. For that reason, the lists of species proposed for temporary slope stabilization or drainage swales must be provided as part of the landscaping plan for review and approval of the Executive Director to assure that no invasive species are used, and that, as much as possible native species are used. For that reason, other methods, such as jute matting may need to be employed to prevent siltation from graded slopes. The Commission therefore requires that the applicant shall use methods of erosion and sediment control that do not use introduced vegetation to stabilize the soils. As further conditioned to assure that the water quality protection BMPs also comply with standards adopted to protect habitat, the project complies with Coastal Act Sections 30230 and 3020 with respect to the effect on natural and marine resources.

H. PUBLIC SHORELINE ACCESS AND RECREATION.

Section 30210 requires that maximum access to the coast be provided. Section 30223 requires the reservation of upland that areas necessary to support coastal recreation. The project will allow increased speed and volume on an east-west traffic route that can deliver inner city and East County beach goers to the Venice and Playa del Rey beaches and to Marina del Rey. Although the project is designed to reduce commercial and commuter traffic loads on Lincoln Boulevard and on east-west routes during peak commuter hours, it can and will serve to improve vehicular access to the coast on weekends as well.

There is a bicycle lane in the median strip of Culver Boulevard east of the Coastal Zone boundary. The bicycle and jogging path extends from a park at Overland Avenue Culver City to the Culver City/Los Angeles boundary and from there to a point where a self-storage unit occupies the median strip, about two blocks east of Route 90. Project engineers state that the distance between the bridge supports is wide enough to accommodate additional traffic lanes and a bicycle lane on Culver Boulevard. The additional lanes, including the bicycle lane, would be located along Culver Boulevard and travel under the bridge. No recreation on the site is proposed or appropriate. As proposed, the project is consistent with the development of additional recreational facilities, will improve and enhance public access to the coast and is consistent with Sections 30210 and 30223 of the Coastal Act.

I. DEVELOPMENT.

The Coastal Act provides standards that the Commission must use in approving development. Section 30250 requires that most development be sited in existing developed areas to minimize development in relatively untouched rural areas. Section 30252 encourages investigations of non-automobile modes of travel to reduce competition for coastal access roads.

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Based on these provisions of the Coastal Act, the Commission and City of Los Angeles have approved coastal development permits for projects with relatively high levels of density in the immediate area of the proposed project. These include projects adjacent to Lincoln Boulevard (also see above and the Substantive File documents). All these projects, along with projects outside that Coastal Zone have individually and cumulatively, contributed to the increasing levels of traffic on Lincoln Boulevard, Culver Boulevard and the Marina Freeway. (Most notably the Commission found no substantial issue on two City of Los Angeles-approved projects: one that included a 334 unit (moderate income) apartment building, and a 166 unit building; the other included 800 (moderate income) apartments and two 16 story towers providing 512 condominiums on an 18.9 acre site. Both projects were located on Lincoln Boulevard. (See Substantive File documents above for the numbers of the two appeals.) The Commission has approved LUP's with similar impacts, notably the Marina del Rey Ballona LUP in 1984. In 1987 the Commission reiterated its approval of the Marina del Rey Ballona LUP in LUP's applying to the City and County areas of the Marina del Rey and Playa Vista (Marina del Rey LUP 1987, Playa Vista LUP, 1987.) In 1995 the Commission approved an amended LCP for the Marina del Rey that would result in 2,700 daily peak hour trips and would include multi-story development on most residential parcels. In effect, the Commission's assumption has been that development and the concentrated infrastructure to serve it would be located in Los Angeles and not elsewhere, in more remote areas along the coast. All of these approvals presumed that the infrastructure serving Lincoln Boulevard, including Lincoln, Culver, Jefferson, Washington and Venice Boulevards, would require road improvements. (Exhibits 24-26.) The plan approvals were granted before the courts issued the Bolsa Chica decision.

Part of the thinking in approving higher density development in some areas is the theory that higher density development could support transit alternatives as required in Section 30252. In addition to allowing high-density development and providing lists of road improvements, the Marina del Rey Ballona LUP (1984) and its successors required the development of mass transit alternatives. LUP policies required that some form of transit be part of the transportation improvement package. The 1987 Marina del Rey LUP and the related Playa Vista LUP require (1) development of jitney systems integrated between the City areas Playa del Rey, Palms and Venice, and the County area, which is the Marina del Rey proper, (2) development of park and ride lots for commuter express buses that would travel to Downtown Los Angeles, and (3) reservation of right-of-way along Lincoln Boulevard for a transit way. The City has also required jitneys within Playa Vista. However, the transportation improvements that the Commission has actually reviewed to date concentrate on road widening and on traffic management methods to increase vehicular speeds. Transit under consideration by the Department of Beaches and Harbors for the Marina del Rey consists of jitneys and other short haul buses, but no improvements that might accommodate the ten to fifteen mile work trip that the average Los Angeles resident makes. Playa Capital's traffic consultant, Kaku, indicates that it estimates that no more than 10% of job commuters in Playa Vista Phase I are likely to use transit. Culver Boulevard is the site of a former railroad right-of-way that extends west and south from Overland Avenue Culver City, through Area C, then through the wetlands and then south

through the South Bay.[11] Even though part of it is improved as a bikeway, there is no analysis of methods of using this older right-of-way for a dedicated transit way or for other alternative transportation. This bridge is wide enough to accommodate such a bikeway.

While the project itself is the road, not the development requiring the road. The Commission must consider whether approval of this project may commit the area to automobile transportation. There is a contention that wider and faster roads attract cars by improving the convenience of the automobile. Approval of this project does not commit the area to automobile-based transportation because the bridge is wide enough to accommodate bikeways or a bus lane. As designed the project is consistent with Section 30252 of the Coastal Act.

J. CERTIFIED LAND USE PLANS.

This bridge is one of the road-widening projects incorporated into the certified Land Use Plan for Playa Vista, even though it is technically outside of the study area. In 1984 the Commission approved the Marina del Rey/Ballona LUP. This bridge is adopted as part of the Circulation Element of the plan, even though Los Angeles County prepared the LUP and the roadway is owned by Caltrans and located in the City of Los Angeles (Exhibit 23.) Again in 1987, the Commission approved parallel LUP's for the Marina del Rey and, in the City of Los Angeles, the Playa Vista LUP that showed the identical transportation system measures, including the present project. The City of Los Angeles amended its Palms Mar Vista Del Rey Community Plan to conform with the land use designations and development standards of the certified Playa Vista LUP. No implementation ordinances have been approved for this plan.

As noted above, the Marina del Rey and Playa Vista LUP's, certified by the Commission in 1987, encourage the reservation of transit corridors and the adoption of shuttle programs. However, they rely on development caps and widened roadways to provide the transportation capacity necessary for the anticipated high-density development. All include high levels of density and multiple traffic impacts and provides for widened roadways. The plans provide for the extension of Admiralty Way to Culver Boulevard, widening Lincoln Boulevard to eight lanes, widening Culver and Jefferson Boulevards, widening other roads, and extending the Marina Freeway. The certified Playa Vista Land Use Plan shows Culver Boulevard as an alternative transportation corridor, and includes policies that provide for widening Culver Boulevard and extending the Marina Freeway. With respect to this project, Policy 4.18 of the Playa Vista LUP states:

> *Page 44, Policy 18. Extend the Marina Freeway, just east of Culver Boulevard, with a grade-separated interchange at their intersection.*

[11] The South Bay comprises the Cities El Segundo, Manhattan Beach, Hermosa Beach and Redondo Beach and cities directly inland of them such as Lynwood and Lomita. They are directly inland of a bay extending from Ballona Creek to the Palos Verdes Peninsula.

Although these permit and LUP approvals seemed to assume that roadways to accommodate the development would be approved, until the local coastal program is fully certified, the standard of review for the roadways themselves is Chapter 3 of the Coastal Act. The Commission, faced with more detailed information about the impacts of the development conceptually approved in the Land Use Plans, is able to reexamine the effects of the development. A Land Use Plan is not binding on the Commission and any development listed in an LUP is subject to review based on the Coastal Act. The Commission has also noted that the standard of review for any amendments to the land use plans would be the policies of Chapter 3. Therefore, in the absence of a fully certified LCP, the Commission's earlier decisions that the "area" could accommodate high-density development does not commit the Commission to approving development that would not otherwise be approvable consistent with the policies of Chapter 3.

K. VISUAL IMPACTS.

Section 30251 requires that development be sited and designed to minimize visual impacts.

> **Section 30251.**
>
> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Controller of the State of California, as the custodian the land adjacent to this road, Playa Vista Area C, which is held in trust for the State of California, has clearly stated her intent to transfer the land to the Department of Parks and Recreation for development as a park. The area is not now a public park and will not be one until the Legislature acts to designate the land as a park. Nevertheless, in considering the design of public structures adjacent to the land, the Commission must consider the compatibility of the proposed development with a prospective public park and with public use of the area. In this instance, compatibility includes the impacts on views to and from the bridge and the compatibility of the bridge and its design with future recreational facilities.

The bridge will be elevated roughly 30 feet above roadway level. This will provide a view of Area C, but also will be visible from Area C. The bridge will be a standard concrete bridge. Caltrans plans three-foot high tapered concrete solid rails (type 736) that provide no views through the rails. There will be no view of either the development proposed on Area C or of the possible urban park from the bridge from compact cars, although the drivers and passengers in SUV's and other taller vehicles will be able to see over the rails. The bridge will have concrete pilings, which will be enlarged with tapered supports at the

head of the columns. The bridge will be relatively low and unobtrusive and will not be visually obtrusive from either public or private areas. If the rails provided views of the area, the bridge would also be more interesting visually. The ramps extending above the median will be lower than the bridge but will also be visible.

The bridge has no significant impacts on public views. It is adjacent to structures that range from 20 to 40 feet in height. It is low enough to be subordinate to its setting. The project is consistent with the view protection policies of the Coastal Act.

L. HAZARDS.

The Coastal Act provides that development shall be sited and designed to avoid hazards. Section 30253 requires, in part:

> **Section 30253.**
>
> New development shall:
>
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

After the discovery of high levels of soil gas in Area D Playa Vista, the public has consistently expressed concern about the levels of soil gas in nearby areas. Tests conducted for a nearby project (Playa Vista Phase I, see substantive file documents) showed high levels of soil gas in an area south of Jefferson Boulevard. A report conducted by the City of Los Angeles City Legislative Analyst did not identify significant soil gas accumulations north of Ballona Creek. The present bridge and ramp work that is within the jurisdiction of the Commission is about half a mile north of the part of the Playa Vista project that has been shown to have high concentrations of soil gas. Caltrans sought an opinion from Gustavo Ortega, a Caltrans staff geologist, concerning the possible hazard of soil gas to this project. The geologist replied that methane is a potential hazard in confined spaces, but that there were no confined spaces proposed as part of the development of this bridge and ramp. Moreover, the Coastal Commission staff geologist, in an analysis of a proposal to expand Culver Boulevard, A-5-PLV-00-417, has indicated that soil gas does not pose a hazard to roads or the vehicles on them because soil gas does not accumulate where there are no enclosed structures.

The soils in this area are made up of sediments deposited by creeks and other water bodies. There is a relatively high groundwater table. The applicant's geologists have taken these conditions into account and designed to accommodate these potential

hazards. The project is not located in an area subject to other hazards, such as landslides or flooding. As such, the project is consistent with Section 30253 of the Coastal Act.

M. ARCHAEOLOGICAL, HISTORICAL AND PALEONTOLOGICAL DEPOSITS.

The part of this project outside the Coastal Zone is within an area that is described in confidential documents as encompassing LAN 54, a registered archaeological site. An adjoining property owner is required to recover the part of the site that is located on its property. Caltrans' archaeologist has reviewed these documents and disputes their conclusions; nevertheless, Caltrans plans to have a qualified archaeological monitor and a Native American monitor on the site during construction. Caltrans has not provided any statement from the State Historic Preservation Officer as to the absence of a site where the bridge and ramps are planned. Section 30244 of the Coastal Act requires:

> **Section 30244**
>
> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Caltrans has not provided evidence that the State Historic Preservation Officer (SHPO) has evaluated this site or that SHPO has confirmed that the site lies outside any known archaeological sites and would not impact such sites. Caltrans has not demonstrated that this project is consistent with Section 30244 of the Coastal Act. Only as conditioned to (1) evaluate the project in light of current confidential reports, and (2) obtain concurrence of the State Historic Preservation Officer with such evaluation can the Commission find this development consistent with Section 30244 of the Coastal Act. Pursuant to these requirements, the Commission is requiring a second review of the site in light of newly assembled information, and that a qualified archaeological monitor be on site during grading of those portions of the project that are located within the Coastal Zone. As is usually required, if any resources are discovered, work must stop to determine whether activities are necessary to preserve the resources and whether these activities require an amendment to this permit. As conditioned the proposed project is consistent with Section 30244 of the Coastal Act.

N. UNPERMITTED DEVELOPMENT.

Development has occurred on site without benefit of the required coastal development permit, including demolition of leased operations, which included the recreational vehicle storage facility, and a pottery store located within the coastal zone. Caltrans has also demolished an exercise facility located just outside of the coastal zone, originally described as part of this request. Consequently, the work that was undertaken inside the Coastal Zone constitutes development that requires a coastal development permit.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

O. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Section 13096 of the Commission's administrative regulations requires Commission approval of any coastal development permit application to be supported by a finding that the application, as conditioned by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects that the project may have on the environment.

In this case, this particular project is the result of the consideration of several alternatives. The applicant originally proposed to fill 0.23 acres of wetlands and to mitigate the fill on the site. The originally proposed project could have had significant adverse impacts, but the applicant has avoided those impacts by changing its project, relocating the ramps away from the wetland, and mitigating the remaining impacts through the implementation of the conditions proposed. After the Commission’s initial hearing, the applicant proposed to avoid fill by bridging the wetlands, an alternative that would have left a tenth of an acre of wetlands in deep shade (Bridge Alternative). The applicant then considered a project that would avoid the fill and shading of the then identified wetlands altogether, and to enhance the resources of the site (Modified East Alternative). The applicant also considered an alternative proposed by the public, the North Alternative, which would relocate the traffic lanes to the inland side of the median because it would increase the ability of this site to be connected to the 69-acre state owned parcel in Area C, Playa Vista. Because this alternative would have resulted in fill of 0.50 acres the wetland area, the applicant rejected this fourth alternative. Finally, based on new information concerning wetlands on the site, the applicant further modified its project to reduce or eliminate wetland fill, even though this alternative would result in shading of wetlands. The final choice, the Modified East Alternative with an extended bridge over the willow-mulefat area is the least environmentally damaging alternative.

This traffic improvement is one that was long identified in regional planning documents, and that was designed to relieve congestion and increase safety on regional travel ways. The commission and the applicant also investigated alternative modes of transportation alternative routes, but found no feasible alternative that could be implemented in a time and manner so as to satisfy the objectives of this project.

There are no additional feasible alternatives or mitigation measures available that could substantially lessen any remaining significant adverse impact the activity may have on the

environment. Therefore, the proposed project is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Impact Report, First Phase Project for Playa Vista, EIR No. 90-0200-SUB(c)(CUZ)(CUB) State Clearinghouse No. 90010510; Appendix D Mitigation and Monitoring Program; Mitigation Measures Tracts 49104 and 52092.
2. Haripal S. Vir, Senior Transportation Engineer, Department of Transportation, City of Los Angeles, Memorandum to Merryl Edelstein, Senior Planner "Initial Traffic Assessment and Mitigation Measures for the proposed Playa Vista Project at the Intersection of Lincoln Boulevard and Jefferson Boulevard, EIR no.90-0200 (C) (CUB) (CUZ) (GPA) (SUB) (VAC) (ZC), September 16, 1992
3. Haripal S. Vir, Senior Transportation Engineer, Department of Transportation, City of Los Angeles, Memorandum to Merryl Edelstein, Senior Planner "Playa Vista Project Phase I, Amendment to the Initial Traffic Assessment and Mitigation Letter dated September 16, 1992, EIR No.90-0200 (C) (CUB) (CUZ) (GPA) (SUB) (VAC) (ZC)," revised May 24, 1993.
4. City of Los Angeles Mitigation Monitoring and Reporting Program Exhibit "C "As Amended To Include Condition of Approval No. 96 as Required by Condition of Approval NO. 12 of Vesting Tentative Tract no. 49104 (Exhibit "B") and Condition of Approval No.'s 141, 141, 144, 145, 150, and 151 as Required by the Modification to VTTM 49104 Approved by the City Council on December 8, 1995 Exhibit "A".
5. City of Los Angeles, City Council, Action: Appeals against the Planning Commission's Approval of Tentative Tract 52092 and Modification of Tract 49104 for Property near Centinela Avenue and Jefferson Boulevard in the Playa Vista Area, December 8, 1995.
6. Playa Vista Entertainment Media and Technology District, Mitigated Negative Declaration, Playa Vista Plant Site (Addendum to Environmental Impact Report First Phase Project for Playa Vista), August 1995.
7. Los Angeles County, Marina del Rey/Ballona LUP, Certified 1984.
8. Los Angeles County, Marina del Rey LUP, Certified 1987.
9. City of Los Angeles, Playa Vista LUP, Certified1987.
10. Bolsa Chica Land Trust v. Superior Ct. (1999) 71 Cal. App. 4th 493.
11. Psomas Associates, State Route 90/Cullver Flyover: Jurisdictional Wetlands, Streambeds and Waters of the United States, December 1995.
12. Edith Read, and Ted Winfield, Psomas Associates, "Addendum to Jurisdictional evaluation of vacated vehicle storage yard site in the median between LA-90 eastbound and westbound, west of Culver Boulevard in Marina del Rey coastal Development Permit Application No. 5-01-432," May 8, 2002.
13. Dixon, John, PhD. Memorandum: Wetland Delineation for LA-90 Project, May 23, 2002",
14. AGRA Earth and Environmental Inc., "Final Geotechnical Design Report, Route 90 Extension From 0.38 Km East Centinela Ave To 0.23 Km East of Mindanao Way, Los Angeles California EA 1693U1, 07-LA-KP 1.2/1.9, June 30, 2000."
15. Caltrans: Alternatives analysis (1) and (2) regarding the Route 90 bridge.

16. Jerry B. Baxter, District Director, Caltrans District 7, letter to Con Howe, Director of Planning, City of Los Angeles, re Playa Vista Traffic Mitigation Measures, September 10,1993.
17. Robert Goodell, Chief, Advance Planning Branch, Caltrans District 7; Memorandum to Tom Loftus, State Clearinghouse, re DEIR Playa Vista Phase I 90-0200 SUB (C) (CUZ) (CUB), March 22, 1993.
18. Coastal Development Permits and Appeals: A-5-VEN-98-222 (EMC Snyder); A-5-90-653 (Channel Gateway); 5-91-463 (Maguire Thomas); 5-91-463A2, 5-91-463R; 5-91-463R2: 5-00-139W; extended (October 1997), currently expired; 5-91-463, 5-91-463A2, 5-91-463R, 5-95-148, permit waiver 5-00-139, 5-91-463, 5-98-164, A-5-PDR 99-130/5-99-151; 6-97-161, A-5-PLV-01-281/5-01-223;A-5-PV-00-417/5-01-382; 5-98-164; 5-98-164A, A-266-77, A-5-RPV-93-005; 5-82-479.
19. City of Los Angeles Bureau of Engineering Staff Report, No. 95-03 –August 2, 1995
20. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
21. Law, Crandall Inc., “Report of Lead Assessment, Playa Vista STIP Improvements, Lincoln Corridor and Marina Freeway Corridor, Los Angeles, California,” prepared for Maguire Thomas Partners, Los Angeles, California, January 19, 1996.
22. Law, Crandall Inc., “Report of Phase I Environmental Assessment, Playa Vista STIP; State Route 90, (Marina Freeway), from Lincoln Boulevard to Centinela Avenue, Playa Vista Project;” prepared for Maguire Thomas Partners, Los Angeles, California, February 23, 1996.
23. City of Los Angeles City Engineer, Memorandum Public Works review of ETI report titled “Subsurface Geo-chemical Assessment of Methane Gas Occurrences” for the Playa Vista project; file 1996-092; May 10, 2000
24. Victor T. Jones, Rufus J. LeBlanc, Jr., and Patrick N. Agostino, Exploration Technologies, Inc, Subsurface Geotechnical Assessment of Methane Gas Occurrences. Playa Vista First Phase Project. April 17, 2000. [Also referred to as the Jones Report or “the ETI report.”]
25. Camp Dresser and McKee 2000, “Soil gas sampling and analysis for portions of Playa Vista Areas A and C near Culver Boulevard Widening Project” 4 page geologic letter report to Maria P Hoye dated 27 November, 2000 and signed by A. J. Skidmore and M. Zych (RG).
26. Mark Johnsson, Senior Geologist, California Coastal Commission, Memorandum: “Culver Boulevard Widening Project and Potential Soil Methane Hazards”
27. Gustavo Ortega, C.E.G., C. HG., Memorandum, January 24, 2001 to Ron Kosinski, Additional Information LA-01-KP 48.9 ad KP 49.0 “Addressing …Some Comments with Regard to Underground Methane Gas Anomalies Found in the Playa Vista Project.”
28. City of Los Angeles Department of Building and Safety, Memorandum of General distribution, #92, Methane Potential Hazard Zones, March 19, 1991.

29. City of Los Angeles, Office of the Chief Legislative Analyst, City Investigation of Potential Issues of Concern for Community Facilities District No 4, Playa Vista Development Project, March, 2001
30. California Department of Fish and Game, Memorandum: Extent of Wetlands in Playa Vista, December 1991."
31. California Coastal Commission, Memorandum: "Volume II Preliminary Working draft EIS/EIR Existing Conditions –Playa Vista March 5, 1998"
32. City of Los Angeles General Plan Palms, Mar Vista Del Rey District Plan, –Playa Vista Area C Specific Plan;
33. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
34. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
35. City of Los Angeles Tentative Tract Number 44668, Map and conditions of approval, May 4, 1987.
36. Regional Water Quality Control Board, Los Angeles Region: Clean up and Abatement Order 98-125.
37. Diamond, Jared M. 1975. "The Island Dilemma: Lessons of Modern Biogeographic Studies for the Design of Natural Reserves," Biological Conservation, v7 (1975): 129-146.
38. Longcore, Travis, Urban Wildlands Group, "Ecological Consequence of Artificial Night Lighting," Bibliography, 3/14/2002.
39. Edith Read, and Ted Winfield, Psomas Associates, "Addendum to Jurisdictional evaluation of vacated vehicle storage yard site in the median between LA-90 eastbound and westbound, west of Culver Boulevard in Marina del Rey coastal Development Permit Application No. 5-01-432," May 8, 2002.

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[i] 5-01-432 aprilfinal.doc